

Jost et al v. Governor in Council et al

Jeremiah Jost
on Wednesday, June 15, 2022



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Calgary, AB T2P 3J4

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Court File No. T-382-22

FEDERAL COURT

BETWEEN:

JEREMIAH JOST, EDWARD CORNELL, VINCENT GIRCYS,
and HAROLD RISTAU

Applicants

- and -

GOVERNOR IN COUNCIL, HER MAJESTY IN RIGHT OF CANADA,
ATTORNEY GENERAL OF CANADA, and MINISTER OF PUBLIC SAFETY
AND EMERGENCY PREPAREDNESS

Respondents

Transcript of Oral Questioning of
JEREMIAH JOST
(On affidavit sworn March 9, 2022)
Held via videoconferencing
June 15, 2022

1 ALL PARTIES APPEARING VIA VIDEOCONFERENCING

2 For the Applicants

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7 

8 For the Respondents

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13 

14 Also Present

15 Bath-Shéba van den Berg

16 Beth Tait

17 M. Meenu Ahluwalia

18 Nathan Joyal

19 Barbara Brzezicki

21 Official Court Reporter

22 Justyne Kawalilak, CSR(A), RPR, BA(Hons)

23 Amicus Reporting Group, a Veritext Company

24 403-266-1744

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1 (Proceedings commenced at 10:00 a.m.)

2 COURT REPORTER: Counsel, as you all know, because
3 we are using a virtual connection, everyone is going to
4 have to be more conscious than ever of not speaking
5 over each other. If I cannot hear the end of a
6 question or the beginning of an answer or if I have to
7 interrupt often because I cannot hear or understand
8 something that is said, we will not have a good
9 examination flow, and we will have a poor record. If
10 there is an objection, I need to be able to hear it,
11 please, and know who is objecting. If I do have to
12 interrupt, please be patient and understand that my
13 goal is to provide you with a perfect record of these
14 proceedings.

15 From time to time, we've noticed the audio can be
16 affected, and if so, we may need to stop the
17 proceedings and wait a moment for the audio to improve.

18 Would the witness please identify himself and
19 spell his first and last name?

20 MR. JOST: My name is Jeremiah Jost,
21 J-E-R-E-M-I-A-H, and last name, J-O-S-T.

22 COURT REPORTER: Our witness today is Jeremiah
23 Jost. If there are any questions about the witness's
24 identity, would counsel please advise on the record
25 now?

1 MR. AARON: No, no issues.

2 COURT REPORTER: Hearing no objection, counsel, are
3 you ready for me to affirm the witness?

4 MR. AARON: Yes.

5 JEREMIAH JOST, affirmed, questioned by Mr. Aaron:

6 Q. Thanks very much, madam court reporter, and good
7 morning to you, Mr. Jost. Nice to -- nice to meet you.

8 A. Good morning.

9 Q. I am just getting something set up on my screen here,
10 so just give me one second, please. I apologize. I've
11 gotten a new laptop this week. It's never a good time
12 for a new laptop but especially when you're
13 preparing --

14 A. No worries.

15 Q. -- for a cross-exam.

16 A. All good.

17 Q. All right. So, Mr. Jost, my name is David Aaron, and
18 I'm a lawyer with the Department of Justice here in
19 Ottawa. Can you see and hear me okay?

20 A. Yes, I can.

21 Q. Okay. If ever there's a problem today with the audio
22 or video, just let me know, or any other problem,
23 frankly, and we can -- we can deal with it, I'm sure.
24 And similarly, if you need a break at any point, feel
25 free to let me know as well.

1 **A.** Okay. Thank you.

2 **Q.** You're welcome. So where are you located right now?

3 **A.** I'm located in our house in Foremost, Alberta.

4 **Q.** Okay. And is there anyone else in the room with you?

5 **A.** Not in the room. My wife is somewhere in the house.

6 **Q.** Okay. Do you have any documents or notes in front of
7 you other than your affidavit?

8 **A.** No, I do not.

9 **Q.** Okay. And you -- you've sworn an affidavit in this
10 proceeding, correct?

11 **A.** Yes, I have.

12 **Q.** And it's dated March 9, 2022?

13 **A.** Yes.

14 **Q.** And do you have a copy of that affidavit?

15 **A.** Yes, I do.

16 **Q.** Okay. And does the content of your affidavit remain
17 true and accurate?

18 **A.** Yes.

19 **Q.** Is there anything in it that you want to change or
20 amend?

21 **A.** No.

22 **Q.** Okay. You're 28 years old; is that correct?

23 **A.** That's correct.

24 **Q.** And you're married?

25 **A.** Yes.

1 Q. And what's your wife's name?

2 A. Christina.

3 Q. And do you have children?

4 A. We do not.

5 Q. And you said you live in Foremost, Alberta?

6 A. That's correct.

7 Q. And can you tell me again where that is? I'm sorry,
8 but I'm not familiar with it.

9 A. If you know where Calgary is, it's about 3 hours south.
10 We're only about an hour -- maybe 60 miles, as the crow
11 flies -- actually, probably less, 50 miles, as the crow
12 flies, to the Montana border.

13 Q. Okay. Thanks for clarifying that. And you don't have
14 a criminal record, correct?

15 A. I do not.

16 Q. Have you ever been charged with a crime for which you
17 weren't convicted?

18 A. No, I have not.

19 Q. And you're a general contractor?

20 A. Yes, I am.

21 Q. And how long have you been in that job?

22 A. Well, I started part time when I was 13 years old, and
23 so that's about 15 years, but more -- more
24 intentionally on my own, the last three years, so
25 running my own business, that is.

1 **Q.** So you're self-employed?

2 **A.** Yes.

3 **Q.** And what do you do in -- in your job as a general
4 contractor?

5 **A.** Well, I'm only able to work part time with my
6 involvement on the fire department and other community
7 things. I'm a volunteer youth pastor as well in town,
8 but I mostly do home renovations. In our community,
9 there's a lot of old farmhouses handed down and so a
10 lot of bathroom renos. Once we're done here, I'm going
11 to go finish up a backsplash at somebody's house so...

12 **Q.** That's nice. Yeah, that's one of those things that
13 you -- sometimes people think they can do themselves,
14 but always better to leave it to somebody like you who
15 actually knows what they're doing.

16 **A.** I know what you mean.

17 **Q.** What's your educational background?

18 **A.** I was homeschooled through 1 to 12, yeah, no post -- no
19 post -- no post education other than kind of online
20 courses.

21 **Q.** Oh, okay. So when you say "post education," you
22 mean --

23 **A.** Post-secondary.

24 **Q.** -- no post-secondary?

25 **A.** Yeah.

1 Q. So then I take it you have no university degrees?

2 A. I do not.

3 Q. And no college diplomas?

4 A. I do not.

5 Q. Do you have any professional certifications?

6 A. I believe my 1001 firefighting would be a professional
7 certification.

8 Q. Do you use social media?

9 A. I do.

10 Q. Do you have a Facebook account?

11 A. Yes, I do.

12 Q. Do you have a Twitter account?

13 A. I think I made one maybe 15 years ago, but I haven't
14 used it probably for 15 years.

15 Q. What about Instagram? Do you have one of those?

16 A. Yes, I do. I have multiple Instagram accounts.

17 Q. Any reason you have multiple Instagram accounts?

18 A. I try to post all of my contracting work on my -- for
19 my contracting account, and then I post my personal
20 stuff on my personal account.

21 Q. Okay. I understand. Thank you for clarifying that.
22 So I want to turn now to the content of your affidavit
23 and starting with your arrival in Ottawa. So you left
24 your home in Foremost, Alberta, on January 24th, 2022,
25 to join the convoy heading to Ottawa, correct?

1 **A.** That's correct.

2 **Q.** And did you drive to Ottawa?

3 **A.** Yes, we did.

4 **Q.** What kind of vehicle did you drive?

5 **A.** Me and my wife own a Mazda 3, 2014 four-door sedan.

6 **Q.** And so you and your wife, I take it, drove. Did anyone
7 else accompany you in the car?

8 **A.** No. It was just us two.

9 **Q.** And you arrived in Ottawa on January 29th, 2022?

10 **A.** That's correct.

11 **Q.** And what time did you arrive in Ottawa?

12 **A.** We decided to go about 9 a.m. because the convoy was
13 going to be getting into Ottawa around 11, I believe.
14 And from what I could tell by the size of the convoy,
15 there was no way we were going to get into Ottawa
16 unless we went ahead of them so...

17 **Q.** All right. So you arrived in Ottawa at 9 a.m.?

18 **A.** Around that -- that time, yes.

19 **Q.** Where did you go immediately after you arrived in
20 Ottawa?

21 **A.** We went to the -- do you know where Orleans is?

22 **Q.** Yes.

23 **A.** The east side of Ottawa, a friend of mine's in-law's
24 place. He reached out to me and asked if we needed a
25 place to stay, and I said that would be great. So we

1 drove out to my friend's in-law's place in Orleans.

2 **Q.** And is that where you stayed throughout your time in
3 Ottawa?

4 **A.** We stayed there for the first two weeks, and then at
5 that point, he had a connection of a friend who owned a
6 hotel. So for the remainder of our time, we stayed in
7 that hotel.

8 **Q.** What hotel was that?

9 **A.** I'm blanking on the name. It was right by the airport.
10 Yeah, something Inn so...

11 **Q.** And so you stayed in -- in that hotel for the remainder
12 of your time in Ottawa?

13 **A.** That's correct. Their -- their son was coming home
14 from university, so they needed his room so...

15 **Q.** So at paragraph of your -- paragraph 8 of your
16 affidavit, you say that while you were in Ottawa, you
17 would drive to Saint Laurent Boulevard to catch the
18 O-Train to downtown where you would participate in the
19 protests on Parliament Hill; is that correct?

20 **A.** That's correct.

21 **Q.** Okay. And so did you do this every day while you were
22 in Ottawa?

23 **A.** Every day except for the two days that we took off,
24 which were February 8th, February 13th, which is a
25 Sunday.

1 Q. February 8th and February --

2 A. 13th.

3 Q. 13th. So you would drive to Saint Laurent Boulevard,
4 and where would you park your car?

5 A. There's a mall there, so there was endless parking. We
6 just would park in a different spot every time and then
7 walk all the way to the O-Train. It was a tiring trip
8 every day.

9 Q. And so you would take the O-Train from Saint Laurent to
10 which station downtown, if you recall?

11 A. Parliament Hill when we -- when we were able to. There
12 was one day where there was maintenance, and we had to
13 get off at Saint -- not Saint Laurent but the one right
14 before Parliament Hill, just kind of across the river
15 so...

16 Q. Okay. And did you wear a mask while you were on the
17 O-Train?

18 A. Mostly, yes.

19 Q. You say "mostly." Were there times where you didn't?

20 A. There were times when I would blow my nose or wipe my
21 face, yes.

22 Q. So other than blowing your nose or wiping your face,
23 you wore a mask on the O-Train at all times?

24 A. When I -- when I was able to. I -- I sometimes have
25 issues breathing with a mask, and because of some

1 unknown heart issues, sometimes I can get a little
2 dizzy. So often when -- when I was able to sit by
3 myself, I would try to get a little bit more oxygen.

4 Q. Understood. And you left Ottawa on February 18th,
5 2022; is that correct?

6 A. We left Ottawa February 18th?

7 Q. That's what I'm asking.

8 A. Oh, no. We -- we -- I believe February 18th was -- is
9 that a -- is that a Friday?

10 Q. I -- I don't know. I believe your affidavit said that
11 you left on February 18th, but please correct me if I'm
12 wrong. And take your time. There's no rush.

13 A. So it says it was the best of times of my life until
14 February 18th. I believe February 18th was the day --
15 am I allowed to look at a calendar?

16 Q. I can look it up for you. I believe February 18th, let
17 me just see, was a Friday.

18 A. Yeah, so February 18th was the day that the police
19 started clearing everybody out of downtown.

20 Q. So when did you leave Ottawa?

21 A. We actually headed home from Ottawa. We waited until
22 the House of Commons vote, and then we left on the
23 Tuesday. So the 19th, 20th, 21st -- I believe the
24 22nd, we actually left to head home to Ottawa.

25 Q. Your participation, though, in the protest ended on

1 February 18th?

2 A. That's correct, yes.

3 Q. So what did you do in Ottawa between February 18th and
4 the 22nd when you left for home?

5 A. Well, the next day, we pretty much just recouped in our
6 hotel beds. Being from Alberta, I'm not used to the
7 damp, cold air. I've never experienced such bad -- it
8 feels like arthritis in your bones. So I remember
9 taking a hot bath and then still shivering in bed for
10 an hour and a half. Like, that was brutal.

11 Saturday, we just rested in the hotel all day. I
12 don't think we left our hotel room. And then I bought
13 a new iPhone because my phone had maxed out on storage.
14 Monday, I believe, we just waited. Again, that's when
15 the House of Commons voted on the Emergencies Act, and
16 it passed. And that's kind of when ourselves and a few
17 people I know of kind of knew this protest is done for
18 good. So I believe we left early the Tuesday after
19 that.

20 Q. So just to circle back, so you attended the protests
21 every day from January 29th to February 18th except for
22 two days, correct?

23 A. That's correct.

24 Q. And those two days, you said, were February 8th and
25 February 13th?

1 **A.** That's correct.

2 **Q.** And why didn't you attend the protests on those two
3 days?

4 **A.** If you've ever seen the movie Groundhog Day, it's just
5 an absolute loop of everything. We were so tired of
6 getting up every single day, putting on two pairs of
7 sweatpants because we didn't pack properly, putting on
8 two pairs of socks, the clothes, and then the long trip
9 to Saint Laurent and then walking all the way to the
10 train, taking the train, walking all the way up. It
11 got very exhausting, so the 8th was the first day we
12 decided to take a break.

13 And then the 13th was a Sunday, and being
14 believers, we decided to just take the day of rest
15 so...

16 **Q.** So what time -- on the days that you were there, what
17 time would you generally arrive at the protests?

18 **A.** In the mornings, we -- it varied from 9 or 10 to -- to
19 noon, depending on how much sleep we were able to get.

20 **Q.** What time did you generally leave the protests at the
21 end of the day?

22 **A.** Again, that varied from -- the one day, we literally
23 walked onto the O-Train, and we had no idea there was a
24 last -- a last O-Train, and it said, "This is the last
25 O-Train of the night." I thought it went through the

1 night. So, again, that varied from probably 6:00 to
2 the last O-Train, which I think was at 11. Between 11
3 and midnight I think the last O-Train was.

4 **Q.** Okay. So you were at the protests after dark at least
5 every day?

6 **A.** Probably not every day. Again, that -- the cold and me
7 and my wife packed in literally 10 minutes, so we
8 didn't pack properly for Ottawa humidity, so there were
9 days where we left around 6 before the sun went down,
10 5:00 and kind of as the sun was going down.

11 **Q.** So the sun went down at 5:00, and you left at 6, so you
12 were there when it was dark; is that not correct?

13 **A.** Yes, we were definitely there when it was dark.

14 **Q.** Right. So that was my question. You were there when
15 it was dark every day except for the two days that you
16 didn't attend?

17 **A.** I -- we were there when it was dark a lot of days, but
18 I do remember leaving before dark some days because we
19 were so cold. So if the sun goes down at 5, that means
20 we would have left probably closer to 4, 4:30.

21 **Q.** Okay. But you just told me that you left between 6 and
22 the last O-Train so -- and now you're saying 4, so
23 which is it?

24 **MR. MILLER:** That's not a fair question.

25 That's not what he said. He said that some days, he

1 left, but other days, he didn't, before 5:00. So I
2 think he's asked and answered your question. I
3 understand you're trying to turn it into something, but
4 it's not a fair question.

5 OBJECTION TAKEN to answering the question: But you just
6 told me that you left between 6 and the last O-Train,
7 and now you're saying 4, so which is it?

8 Q. MR. AARON: Mr. Jost, just so I understand,
9 what times -- you've answered this, and I don't
10 understand the answer, so I'm asking you again. What
11 time did you leave the protests? What was the time
12 range that you would leave the protests?

13 A. If -- if you want the entirety of every single day
14 compiled, I remember leaving before sun down, and I
15 remember leaving just at the last O-Train. I can pull
16 up exact dates if you would like, but I do remember
17 leaving before the sun goes down.

18 Q. Were you there after the sun went down, in other words,
19 when it was dark, at least once?

20 A. Yes. Yes.

21 Q. Would you say at least five times?

22 A. Yeah, I would say -- I would say at least five times,
23 yeah.

24 Q. Would you say at least ten times?

25 A. No, I wouldn't -- I wouldn't say we were there past

1 dark ten times, no.

2 **Q.** Okay. So in paragraph 9 of your affidavit, you state
3 that: (as read)

4 On January 29th, 2022, I had heard
5 reports in national media about the
6 Terry Fox statue being defaced and
7 vandalized.

8 Do you see that statement in your affidavit?

9 **A.** Yes, I do, yeah.

10 **Q.** So you follow the national media?

11 **A.** I -- I really don't, to be honest. I am on Facebook
12 and have friends who reshare the national media, so
13 that's where I -- that's where I saw that.

14 **Q.** Okay. So you read the national media?

15 **A.** I wouldn't -- I wouldn't say I read it. I -- I try
16 to -- like I said, when we were there, it was very
17 discouraging reading any type of national media.

18 **Q.** So if you don't read the national media, why does
19 paragraph 9 of your affidavit say that: (as read)

20 I had heard reports in national media
21 about the Terry Fox statue being defaced
22 and vandalized?

23 **A.** Because as I said, I was on social media, and I have a
24 range of friends who thought it was amazing, the
25 trucker convoy, and I had a few friends who thought we

1 were the scum of the earth for being there. And I had
2 seen -- actually, to be exactly spot on, I had seen
3 Erin O'Toole, who was the Conservative leader at the
4 time, post something about shaming those who would
5 deface our national monuments. And as soon as I saw
6 that, we were already at our -- at our billet's place.
7 I was sick in my stomach, and I started doing research
8 to find out what Erin O'Toole was talking about, and
9 that's when I -- I didn't really find much, but I found
10 some of the mainstream media posting about the Terry
11 Fox monument.

12 **Q.** So your sources of information were media articles that
13 your friends or contemporaries posted on social media?

14 **A.** That -- that was the start of what got me looking into
15 it, correct.

16 **Q.** And to clarify, you didn't independently read the
17 national media yourself?

18 **A.** No. I saw --

19 **MR. MILLER:** That -- he's reading -- could you
20 rephrase? Didn't go looking? Like, of course he read
21 it. I just don't --

22 **MR. AARON:** Mr. Miller, I think reading is
23 understood, so I would like to ask him if he read the
24 national media. Do you have a concern with the word
25 "reading"?

1 MR. MILLER: No. Reading means you read it as
2 opposed to looking for it. I think the -- the issue is
3 different. It's -- of course he read it if he saw it
4 and it's -- the media is popping up. That's words.
5 You read it. But there's a difference between going
6 and looking for something and finding an article versus
7 reading the article. And so I just don't want the
8 record to reflect that he's not -- I want it to reflect
9 what he's actually said, simply that.

10 Q. MR. AARON: During the protest, Mr. Jost, did
11 you get information from the internet? Did you get
12 news information from the internet?

13 A. In a roundabout way through Facebook, yes.

14 Q. Did you go to any news websites to get information --
15 news information?

16 A. Again, yes, there were times where a friend would share
17 a link that would take me to Global News or CBC.

18 Q. Okay. So CBC. Do you remember any other internet news
19 websites that you consulted?

20 A. I can pull a few mainstream medias out of my -- out of
21 the back of my mind that I'm sure I saw in my news feed
22 at the time to the best of my recollection. Like CTV,
23 Global News, CBC were definitely were the main --
24 mainstream medias that I had friends posting articles
25 about.

1 **Q.** What about television? Did you get any news from
2 watching television?

3 **A.** We didn't -- we didn't have a TV at our billet's place,
4 and we -- we honestly really tried to avoid any
5 mainstream media television. Imagine being at a family
6 reunion and all the mainstream media is saying that
7 your entire family are white supremacists, racists --

8 **Q.** I just asked you -- I just asked you, though, if you
9 watched the media. So I just want to know if you
10 watched television and got your news from television.

11 **A.** No. Majority -- no, I did not.

12 **Q.** You say, "majority," no, you did not. So were there
13 times when you did?

14 **A.** Yes, there were times when I would see a clip posted to
15 Facebook. I recall another time when my wife turned on
16 the TV for a couple minutes, and that's -- that's to
17 the best of my recollection.

18 **Q.** What about newspapers? Did you read physical
19 newspapers while you were at the protests?

20 **A.** No, I did not.

21 **Q.** Did you listen to the radio?

22 **A.** No, I didn't.

23 **Q.** What about podcasts? Did you get your news from
24 podcasts?

25 **A.** No, we did not.

1 MR. AARON: Ms. Brzezicki, if I could ask you
2 to pull up Exhibit E of Mr. Jost's affidavit.

3 Q. MR. AARON: So, Mr. Jost, you should be able
4 to see these exhibits on the screen. Are you able to?

5 A. Yes, I can.

6 MR. MILLER: That's Exhibit E? Did you say
7 Exhibit E or B, sir?

8 MR. AARON: E.

9 MR. MILLER: E. Thank you.

10 MR. AARON: E as in "Edward."

11 MR. MILLER: Thank you.

12 Q. MR. AARON: And this is a map made by Global
13 News, Mr. Jost?

14 A. That's correct.

15 Q. And the title on it is "Trucker Convoy Encampments in
16 Ottawa," correct?

17 A. That's correct.

18 Q. And according to paragraph 19 of your affidavit, it
19 shows where the protests, protesters, and observers
20 were, correct?

21 A. That's correct.

22 Q. How did you obtain this map?

23 A. There's a number of ways I could have obtained it,
24 through social media, through a friend sending it to
25 me. I had --

1 **Q.** Sir, I don't want to know how you could have obtained
2 it. I want to know how you did obtain it for the
3 purposes of this affidavit.

4 **A.** I do not recall how -- the exact way I got this map.

5 **Q.** You don't recall if it was given to you or if you found
6 it yourself?

7 **A.** No, I do not recall that.

8 **Q.** Do you know when this map was created?

9 **A.** I do not know the exact date it was created, no.

10 **Q.** Do you know when it was downloaded for the purposes of
11 this affidavit?

12 **A.** No, I do not remember.

13 **Q.** Do you know who the journalist is at Global News that
14 created this map?

15 **A.** No, I do not know.

16 **Q.** Okay. But you've attached it to your affidavit, so I
17 take it that you agree that it's accurate?

18 **A.** To the best of my recollection. It's a simple map.

19 **Q.** And you agree that it's accurate?

20 **A.** To the best of my recollection, yes.

21 **Q.** You refer to observers, so is it fair to say that these
22 observers were people who were observing the protesters
23 taking part in the protests? Is that what you meant by
24 "observers"?

25 **A.** Both -- both the people observing and partaking --

1 participating.

2 **Q.** Okay. Maybe my question wasn't clear, so I'll just
3 rephrase it. At paragraph 19 of your affidavit, you
4 say that this map shows where the protests, protesters,
5 and observers were. So I think I understand what the
6 protests were, and I think I understand protesters is
7 people who were participating in the protests. And
8 then you identify a third group called observers, so
9 I'm wondering, What -- what were the observers? What
10 does that mean?

11 **A.** So some of the days, I would -- I would label myself an
12 observer. I wasn't walking around with signs. I
13 wasn't, you know, a part of a specific group. I was
14 just there observing.

15 **Q.** Okay. And some days, you were part of a specific
16 group?

17 **A.** There were days where I kind of knew what I wanted to
18 do or where I wanted to go, but there were many days
19 where I just walked up to observe.

20 **Q.** But that wasn't my question. My question was, There
21 were days where you were part of a specific group?

22 **A.** A specific group meaning I -- I wouldn't say there were
23 days I was part of a specific group because I was never
24 with a specific group. But there were days, to
25 rephrase, where I knew I wanted to go or I knew what I

1 wanted to observe.

2 **Q.** Okay. And you've told me that -- so some days, you
3 were an observer because you weren't part of a specific
4 group. So I'm just trying to understand, then, what is
5 an observer? An observer is somebody who is not part
6 of a specific group?

7 **A.** I don't personally see the exact need for such
8 distinction between the two groups.

9 **Q.** I don't either, sir, but you've made that distinction
10 in your affidavit, so I'm trying to understand what it
11 means.

12 **A.** Like I said, an observer would be somebody who maybe
13 wasn't part of the convoy, maybe wasn't -- let me think
14 of a few other entities. Maybe --

15 **Q.** Let me stop you -- sorry. Go ahead.

16 MR. MILLER: Well --

17 **A.** Maybe they weren't there to protest medical concerns,
18 or maybe they weren't there to protest government
19 overreach. There was people there from all backgrounds
20 for different reasons.

21 **Q.** MR. AARON: So you -- you were there as part
22 of the convoy, though?

23 **A.** I travelled up with the convoy; that's correct.

24 **Q.** Right. So then you weren't an observer; you were a
25 protester?

1 **A.** I -- I would like to think I was a part of the trucker
2 convoy, but in our little white car, I felt more like
3 an observer.

4 **Q.** So this map that we have in front of us, it shows three
5 locations on it, correct? The first one is downtown
6 Ottawa in front of Parliament Hill, and it's labelled
7 as "Wellington Street." Do you see that?

8 **A.** That's correct.

9 **Q.** And the second one is 200 Coventry Road?

10 **A.** That's correct.

11 **Q.** And the third one is 1500 Bronson, correct?

12 **A.** That's correct.

13 **Q.** Okay. And did you go to all three of these locations
14 while you were in Ottawa?

15 **A.** I did not go to Bronson Avenue, no.

16 **Q.** Okay. So you went to 200 Coventry Road?

17 **A.** Yes, I did.

18 **Q.** And you went to the Wellington Street area in front of
19 Parliament Hill?

20 **A.** Yes. That's where I spent -- every day we went to the
21 protest, we were at Wellington.

22 **Q.** Okay. So let's start with Wellington, then. So the
23 red line next to the "Wellington Street" notation on
24 this map shows where the blockade and protests were
25 happening, correct?

1 **A.** It shows the Wellington Street -- the line. There were
2 protests going down some of the avenues as well.

3 **Q.** So, I'm sorry, I may have missed -- if I'm just
4 repeating something you just said, please let me know.
5 So this red line is where the blockade was? Is it fair
6 to say that --

7 **MR. MILLER:** Well, hold on. I was going to
8 say, you haven't established that there was a blockade.
9 You're referring to a protest and blockade as one and
10 the same. They're two separate things. So if you
11 could establish first -- if you're going to ask if
12 there was a blockade, that should be asked and
13 established, and then you can ask where it is, because
14 right now, you're asking a compound question. So go
15 ahead.

16 **MR. AARON:** So, Mr. Miller, if you have an
17 objection, that's fine. I'd appreciate if you didn't
18 add the commentary to it, though, as well because it
19 suggests an answer to the witness, and I don't -- I
20 don't want that to happen. I don't want to taint what
21 the witness is hearing. So if you have an objection,
22 state the objection, and ask me to rephrase the
23 question, and I'll do that. But if you want to
24 discuss --

25 **MR. MILLER:** Okay. It's a compound question.

1 Please rephrase. A compound question on the basis that
2 you haven't established that there's a blockade.

3 **Q.** MR. AARON: Mr. Jost, paragraph 21 of your
4 affidavit says: (as read)

5 The illustration of a red line on
6 Wellington Street in Exhibit E showing a
7 blockade of that street is accurate.

8 Correct?

9 **A.** "Blockade" is in quotations for a reason.

10 **Q.** No, I just asked you if that's what your affidavit
11 says.

12 **A.** That's -- that's correct. That's what my affidavit
13 says. "Blockade" is in --

14 **Q.** And so this is where all of the trucks were parked?

15 **A.** That is where some of the trucks were parked, yes.

16 **Q.** And is this also where the protest was occurring?

17 **A.** This is where the majority of the protest was
18 happening, yes.

19 **Q.** And so that red line covers roughly seven city blocks
20 along Wellington; is that fair?

21 **A.** That's correct.

22 **Q.** And when you attended the protests in downtown Ottawa,
23 did you move around within the seven blocks of
24 Wellington Street that are marked there on the map with
25 the red line?

1 **A.** Yes, I did.

2 **MR. AARON:** Ms. Brzezicki, if we could go to
3 Exhibit F, please, of Mr. Jost's affidavit.

4 **Q.** **MR. AARON:** And so this exhibit, Mr. Jost,
5 shows a map of downtown Ottawa, correct?

6 **A.** That's correct.

7 **Q.** And you say at paragraph 23 of your affidavit: (as
8 read)

9 I have drawn a map with my own markings
10 of where I observed the truckers at the
11 protest to be. They are marked with
12 blue lines on the map.

13 And then in brackets, it says: (as read)

14 The marked Apple map, which is attached
15 as Exhibit F.

16 So that's this document, correct?

17 **A.** That's correct.

18 **Q.** So those blue markings are your blue markings?

19 **A.** Yes, that's correct.

20 **Q.** How did you obtain this map?

21 **A.** I took a screenshot of downtown Ottawa on my iPad and
22 then went into the photo, clicked "edit," and then just
23 started drawing with my fingers.

24 **Q.** Okay. And so this map shows those same seven blocks of
25 Wellington Street that you identified in the previous

1 exhibit, correct?

2 A. That's correct.

3 Q. And when you say you've marked in blue where you saw
4 the truckers at the protest to be, do you mean by that
5 that that's where the trucks were parked?

6 A. Yes, to my best recollection, that's where I recall
7 there being trucks parked.

8 Q. And those blue lines go away from Wellington Street.
9 If we're looking at this map, they go to the right,
10 correct?

11 A. That's correct.

12 Q. And they stop at the notation Laurier Avenue West,
13 correct?

14 A. That's correct.

15 Q. Except that there's one little blue mark towards the
16 bottom that goes a little bit farther than Laurier
17 Avenue West; do you see that?

18 A. Yes.

19 Q. Okay. So that's about five city blocks that you have
20 marked going away from Wellington Street; is that fair?

21 A. Parts of -- parts of those city blocks, correct.

22 Q. Well, no, I'm just asking if the line that you have
23 drawn represents five city blocks from Wellington
24 Street to Laurier Avenue West?

25 A. Yes, that's correct.

1 **Q.** So you'd say in total, the protest site that you've
2 identified in downtown Ottawa is approximately 35
3 square city blocks?

4 **A.** The density of the protests varies, as you can see in
5 my drawing, but --

6 **Q.** That's not what I asked you, sir. I asked you -- you
7 said it's seven blocks going up and down, roughly five
8 blocks going in the other direction, so 7 times 5 is
9 35, correct?

10 **A.** Yes.

11 **Q.** So it's approximately 35 square blocks?

12 **A.** Yes, correct.

13 **Q.** And you moved around within -- you moved around within
14 those 35 square blocks during your time at the
15 protests?

16 **A.** That's correct.

17 **Q.** And you moved around within this area every day that
18 you were part of the protest downtown?

19 **A.** No, I did not move around the entirety of the 37 blocks
20 that you outlined.

21 **Q.** Did you move around within this area? I don't mean did
22 you go to every one of the 35 square blocks. Did you
23 move around this area every day --

24 **A.** Yes.

25 **Q.** -- that you were in the protest downtown?

1 **A.** Yes, that's correct.

2 **Q.** And you moved around this area both during the day and
3 at night?

4 **A.** That's correct.

5 MR. AARON: Can we go back to Exhibit E,
6 please, as in "Edward"? Apologies. I'm just having
7 another laptop issue here. Okay. So this map,
8 Ms. Brzezicki, if we could zoom in a little bit on the
9 "Wellington Street" notation, please, if that's
10 possible.

11 MR. BRZEZICKI: More, or is that okay?

12 MR. AARON: Yeah, let me just move mine.

13 **Q.** MR. AARON: So it says -- the map says, under
14 "Wellington Street": (as read)

15 This was the original location of the
16 so-called Freedom Convoy. Police have
17 increasingly moved in on this area, and
18 a court injunction has temporarily
19 silenced the incessant horns, but many
20 trucks remain in place clogging
21 high-traffic downtown --

22 I'm sorry. I can't see what's below it.

23 MR. MILLER: Streets.

24 **Q.** MR. AARON: "Downtown Ottawa." Did I read
25 that correctly?

1 **A.** The last word is "downtown streets."

2 **Q.** "Downtown streets." So I've read that to you
3 correctly?

4 **A.** That's correct.

5 **Q.** So you're aware that there were incessant horns honking
6 in downtown Ottawa?

7 **A.** During the daytime, correct.

8 **Q.** But they weren't being blasted incessantly at night,
9 just during the daytime?

10 **A.** That's correct.

11 **Q.** And these horns were being blasted incessantly by
12 truckers participating in the protest; is that correct?

13 **A.** That's correct.

14 **Q.** Just give me a second, please. So you mentioned
15 earlier, Mr. Jost, that you have a Facebook account,
16 correct?

17 **A.** That's correct.

18 **Q.** And you posted a live-screen video on March 10, 2022,
19 of a talk you gave about your time at the protest,
20 correct?

21 **A.** That's correct.

22 **Q.** And the description you posted next to the video says,
23 "Sharing our experiences of the Freedom Convoy"; is
24 that correct?

25 **A.** That's correct.

1 Q. And who were you speaking to?

2 A. Local friends.

3 Q. Local friends, did you say?

4 A. Yeah, correct.

5 Q. And you were speaking about your experiences at the
6 protest in Ottawa?

7 A. That's correct.

8 Q. When you returned to Alberta, you said -- or, actually,
9 you didn't tell me. When did you return to Alberta?

10 A. We returned -- we left on the Tuesday, which was the
11 21st, from Ottawa and hit a couple snowstorms, stayed
12 with some friends in Regina for three days, so we got
13 home a week after we left, I believe. So that would be
14 around the 28th, 29th.

15 Q. Okay. The 28th or the 29th of February?

16 A. I believe so.

17 Q. And so this video is only a couple of weeks after you
18 returned from Ottawa?

19 A. That's correct. I wanted to do it when everything was
20 fresh.

21 Q. I didn't ask you that, though. I just wanted to know
22 if this was only a couple of weeks after you came back
23 from Ottawa.

24 A. Yes, that's correct.

25 Q. Now, tell me, what did you hope to achieve by speaking

1 to this audience?

2 A. I wanted to be able to share our experiences with a
3 large group as opposed to sharing it 100 different
4 times in face-to-face conversations. So I set up this
5 presentation, invited anyone who would want to hear,
6 and then it was kind of like a one-and-done, get it out
7 there so...

8 Q. And so it was important to you that they understood
9 what you had experienced in Ottawa?

10 A. That's correct, and they were interested to know what
11 our experiences were.

12 Q. Okay. So you told them the truth?

13 A. To the best of my recollection, yes.

14 MR. AARON: Ms. Brzezicki, can we put up this
15 Facebook video of Mr. Jost's presentation about his
16 time at the -- at the protests in Ottawa?

17 MR. MILLER: Sure. And while you're doing
18 that, madam court reporter, just we'll deal with this
19 now, I guess. We'll do it the same as the last time.
20 We'll do -- I think it -- were you here yesterday,
21 Mr. Aaron, with the transcription and everything?

22 MR. AARON: I wasn't, Mr. Miller. I'm not
23 sure what we're talking about at this point.

24 MR. MILLER: How to put the video -- the --
25 because I assume you're going to put statements of him

1 to him. There's issues with getting the audio onto the
2 transcript, and we dealt with that yesterday. And so
3 it's fine, I guess, but can we do it the same we did?
4 Madam court reporter is going to -- I'll ask your
5 permission, Mr. Aaron. Madam court reporter will type
6 out verbatim, as best as she can, the statements in the
7 video because they don't pick up by the audio -- the
8 audio doesn't pick it up on -- on her end. She will
9 type out them to the best of her ability, and then
10 she'll get a copy of it after, and she'll -- she'll fix
11 it up. Is that fine, Mr. Aaron?

12 MR. AARON: That's fine with me.

13 COURT REPORTER: Sorry. Can I interject here,
14 Mr. Miller? Can we go off the record for a second?

15 MR. MILLER: Sure.

16 (DISCUSSION OFF THE RECORD)

17 MS. BRZEZICKI: Sorry to interrupt. Is there a
18 specific point you would like me to go to in the video?
19 Just let me know. Thank you.

20 MR. AARON: Thank you.

21 MS. BRZEZICKI: I'm going to start playing it; is
22 that correct?

23 MR. AARON: Yeah, I'm not seeing --

24 MR. MILLER: Me neither.

25 MR. AARON: -- anything.

1 MR. BRZEZICKI: Okay. Hold on. I'll try it
2 again.

3 MR. MILLER: Ma'am, do you have two screens?

4 MR. BRZEZICKI: Can you hear me, yes? Can you see
5 the screen?

6 MR. AARON: So don't play it just yet, please.
7 Would you go to -- well, first of all, actually, go to
8 time stamp 31:49, please. You can go a little bit
9 before it. That's fine.

10 (VIDEO CLIP PLAYED)

11 MR. JOST: ...brought in
12 ATVs and were collecting the garbages
13 and taking them to a different part of
14 the city to get rid of them. There's
15 some great shots of tractors. This is
16 late Saturday night on the first day.
17 You can kind of just see how tight it
18 was on the -- on the streets originally.
19 And it was very, very loud the first
20 night. I'm not going to lie. That was
21 the one thing the media had right.

22 UNIDENTIFIED SPEAKER: We have a
23 little controversy in our family because
24 they said the honking of the horns was
25 for -- but it got shut down quite early,

1 didn't it?

2 MR. JOST: Yeah, so I believe
3 that went on Saturday, Sunday, and
4 Monday, I think, is when they passed the
5 bylaw --

6 MR. AARON: Ms. Brzezicki, you can stop the
7 video at this point.

8 Q. MR. AARON: So, Mr. Jost, this is a video that
9 you took; is that correct? Mr. Jost?

10 COURT REPORTER: Did we lose him?

11 MR. AARON: Did we lose him?

12 COURT REPORTER: I think we lost him. Sorry. I
13 didn't hear, amongst all the noise, that he must have
14 dropped off somehow. Let me unlock the meeting.
15 Usually I can hear when people leave, but I think in
16 the midst of the video, it was too loud. I couldn't
17 hear.

18 MR. AARON: Can we -- since he is logged off
19 anyway, can we take 5 minutes, and I'm just going to
20 try to set up my computer a little bit differently
21 because I'm having issues here.

22 (ADJOURNMENT)

23 Q. MR. AARON: So, Mr. Jost, you unfortunately
24 got sort of cut off from the meeting, and so I'm not
25 sure at what point that happened. So I'm going to

1 backtrack a little bit, and you can tell me where --
2 where it was that you got cut off.

3 A. You hadn't even started the video yet.

4 Q. Okay.

5 MR. AARON: So there's -- so, Ms. Brzezicki,
6 if you can go back to 31:49.

7 Q. MR. AARON: Now, Mr. Jost, just to clarify, as
8 your counsel has helpfully noted, we're watching a
9 video on Facebook of you giving a talk to people in an
10 audience.

11 A. That's correct.

12 Q. And then within that video, you have a screen up on the
13 wall, and you're showing a video to the audience,
14 correct?

15 A. That's correct.

16 Q. Okay. So I will do my best to clarify which of the
17 videos I'm asking you about, and if I don't do that, I
18 trust that your counsel will remind me.

19 MR. AARON: So if we can go ahead,
20 Ms. Brzezicki, and we're going to play this from 31:49
21 through to 32:27.

22 (VIDEO CLIP PLAYED)

23 MR. JOST: ...brought in
24 ATVs and were collecting the garbages
25 and taking them to a different part of

1 the city to get rid of them. There's
2 some great shots of tractors. This
3 is -- this is late Saturday night on the
4 first day. You can kind of just see how
5 tight it was on the streets originally.
6 It was very, very loud the first night.
7 I'm not going to lie. That was the one
8 thing the media had right.

9 MR. MILLER: Okay. This is just on the record.

10 Just to make this easier, just a thought, if we could
11 agree to call the video that you're playing the Alberta
12 video and the video in the video the Ottawa video, that
13 should clarify things for the record. Does that work
14 for you, Mr. Aaron?

15 MR. AARON: Yeah, that's fine. So the Alberta
16 video and the one within it is the Ottawa video.

17 MR. MILLER: Sure, perfect.

18 Q. MR. AARON: And so this Ottawa video,
19 Mr. Jost, you took this video?

20 A. That's correct.

21 Q. And it shows what you experienced during your time at
22 the protest in Ottawa?

23 A. That's correct.

24 Q. Okay. And you can hear the horns blaring, correct?

25 A. That's correct.

1 Q. And it's nightttime, right?

2 A. It's technically the evening. That video is around
3 9:00.

4 Q. 9:00 p.m.?

5 A. That's correct.

6 Q. Okay. So there's no sun in the sky?

7 A. No.

8 Q. There's no daylight?

9 A. No.

10 Q. And you say to the audience in the Alberta video it was
11 very, very loud, correct?

12 A. Yes, that's correct.

13 Q. But you said to me earlier that there was no incessant
14 horn blaring at night, correct?

15 A. Correct. To clarify, nightttime meaning --

16 Q. No, I just asked you -- you told me earlier --

17 MR. MILLER: Let him answer the question. He's
18 allowed to give you a full answer. Just because you
19 don't like it, it doesn't mean you just get to cut him
20 off. So if he can answer the question.

21 A. So my -- in my vocabulary, I use "nightttime" as
22 sleeping. In Canada, 4:00 -- 4:30 is not nightttime to
23 me. So when I say at night, I mean when -- when the
24 average person will be going to bed or when I go to
25 bed, which is around 11:00 or midnight.

1 **Q.** MR. AARON: Who is the average person,
2 Mr. Jost?

3 **A.** Can you clarify that question?

4 **Q.** Well, you said the average person goes to bed around
5 11:00 or midnight. Who is the average person?

6 **A.** Sorry. If I said that, I meant to say I go to bed
7 around that time.

8 **Q.** Okay. So you consider nighttime to be when you
9 personally go to bed?

10 **A.** Around that time, yeah.

11 **Q.** And you don't go to bed at 9 p.m.?

12 **A.** No, I do not.

13 **Q.** And so, therefore, 9 p.m. is not nighttime?

14 **A.** It's close to it, yeah.

15 **Q.** But it's not nighttime?

16 **A.** When I was asked the question, no, that was not what I
17 meant by "nighttime."

18 MR. AARON: Okay. If we could go back,
19 Ms. Brzezicki, to the previous exhibit, Exhibit E.

20 MR. MILLER: Mr. Aaron, would you like to mark
21 the video -- the Alberta video, which also contains the
22 Ottawa video, as an exhibit for either identification
23 or a full exhibit?

24 MR. AARON: Yeah, thank you for the reminder,
25 Mr. Miller. Yes, I would like to mark it as an exhibit

1 to this cross-examination, please, madam court
2 reporter. I guess it would be Exhibit number 1.

3 MR. MILLER: Yeah, full exhibit? And I have no
4 objection.

5 MR. AARON: That's correct.

6 MR. MILLER: Okay.

7 EXHIBIT 1 - A copy of an Alberta video
8 speaking about Mr. Jost's experiences
9 at the Trucker Convoy, and the video
10 also contains a playback of his Ottawa
11 video

12 MR. BRZEZICKI: Please confirm that you can see
13 the screen.

14 MR. AARON: Yes, we can see the -- well, I can
15 see the screen. Can others see the screen?

16 A. I can see it, yeah.

17 MR. AARON: And so if we can zoom back in,
18 Ms. Brzezicki, a little bit, to the "Wellington Street"
19 notation that we were looking at before.

20 Q. MR. AARON: Okay. And so -- so I had read to
21 you, Mr. Jost, that, you know, this said that --

22 COURT REPORTER: Mr. Aaron, I missed --

23 MR. AARON: Pardon me. I'm going too fast,
24 madam court reporter. I apologize.

25 Q. MR. AARON: So, Mr. Jost, we're looking at

1 Exhibit E, and I read to you earlier the notation that
2 has the heading "Wellington Street." Do you see that
3 notation?

4 A. Yes, I do.

5 Q. And that notation on this exhibit talks about trucks
6 remaining in place and clogging high-traffic downtown
7 streets. Do you see that?

8 A. Yes, I see the statement.

9 Q. And there were many -- you would agree with that
10 statement, correct?

11 A. That's correct.

12 Q. So there were many trucks in downtown Ottawa as part of
13 the protest?

14 A. Yes, there were many.

15 Q. And they were clogging traffic in downtown Ottawa?

16 A. That's correct.

17 Q. Downtown Ottawa is a high-traffic area?

18 A. On a regular day, I would assume so.

19 Q. And it says a court injunction has temporarily silenced
20 the incessant horns. Are you aware that there was a
21 horn injunction due to the incessant honking?

22 A. Yes, I was aware, and everybody I had talked to on the
23 street was aware of it as well.

24 Q. Okay. So now let's move to 200 Coventry Road, so
25 that's the next notation on this same exhibit. And you

1 mentioned that you had been there, correct?

2 **A.** That's correct.

3 **Q.** When did you attend 200 Coventry Road?

4 **A.** I believe it was the day before the police came. We
5 only went there once, and I believe it was February
6 17th or 16th.

7 **Q.** And what did you do there?

8 **A.** We had never been there, so we wanted to walk around
9 and see what it was.

10 **Q.** Did you park a vehicle there?

11 **A.** Yes, we did.

12 **Q.** You parked your Mazda 3 vehicle there?

13 **A.** That's correct.

14 **Q.** Did you sleep there?

15 **A.** No, we did not.

16 **Q.** Did you -- did you pay a fee to park your car there?

17 **A.** There was no fee required. It was a giant parking lot.

18 **Q.** Did you look for signs that might indicate whether a
19 fee would be required?

20 **A.** Yes, we did.

21 **Q.** And you didn't see any signs that said a fee is
22 required to park here?

23 **A.** No, we did not.

24 **Q.** You'd agree with me that this is a City-owned parking
25 lot, correct? That's what's indicated on the map

1 you've provided?

2 **A.** I have -- I have no clue who owns it.

3 **Q.** Well, the exhibit that you have attached to your
4 affidavit that you've previously confirmed is complete
5 and true and accurate, it says here: (as read)

6 Demonstrators expanded to this parking
7 lot before the end of the protest's
8 first week. Located next to a
9 City-owned baseball stadium, the site
10 features --

11 Oh, I see. So it's the -- it's the baseball stadium
12 that's City owned but not the -- okay. So that's my
13 mistake. I understand. Thank you.

14 And so you were at this 200 Coventry Road once,
15 correct?

16 **A.** That's correct.

17 **Q.** And you said that was the day before the police moved
18 in, so I guess that would be -- well, you tell me.
19 What date was that? What date were you at 200 Coventry
20 Road?

21 **A.** I believe that was the 17th.

22 **Q.** Of February?

23 **A.** Yeah. It might have even been the 18th. It was one
24 of -- it was one of those two days.

25 **Q.** Okay. And the last -- the last notation here is "1500

1 Bronson Avenue," and you mentioned that you've never
2 been there, correct?

3 **A.** No, we never went to Bronson Ave.

4 **Q.** Okay. So then is it fair to say that except for that
5 one time that you went to 200 Coventry Road, all of
6 your time was spent in that downtown Ottawa area that
7 you've previously identified?

8 **A.** That's correct.

9 MR. AARON: Okay. Ms. Brzezicki, if you could
10 go to Exhibit G, please, to Mr. Jost's affidavit.

11 **Q.** MR. AARON: So, Mr. Jost, if you want to take
12 a look at paragraph 26 of your affidavit, I just want
13 to ask you something about it. I'll give you a chance
14 to review it first.

15 MR. BRZEZICKI: Let me know if you need me to
16 scroll down, Mr. Jost.

17 **A.** Oh, sorry. I was looking at my copy of the affidavit.

18 MR. AARON: Yeah --

19 MR. BRZEZICKI: That's fine.

20 MR. AARON: -- we're talking about the
21 affidavit. We don't need to bring paragraph 26 up on
22 the screen if Mr. Jost has a copy unless he wants it up
23 on the screen.

24 **Q.** MR. AARON: Mr. Jost, are you okay just
25 reading it on your own copy?

1 **A.** That's correct, yes.

2 **Q.** Okay. That's fine. So, Mr. Jost, at paragraph 26 of
3 your affidavit, you say that: (as read)

4 This is a listing of all CBSA points of
5 entry and departure by motor vehicle on
6 land between Canada and the U.S.

7 Correct?

8 **A.** That's correct.

9 **Q.** And the CBSA is the Canadian Border Services Agency?

10 **A.** That's correct.

11 **Q.** Okay. And then the following paragraph of your
12 affidavit, paragraph 27, you say there -- and I'll give
13 you a moment to look at it first.

14 **A.** Paragraph 27?

15 **Q.** That's right.

16 **A.** Yeah.

17 **Q.** So you say there that: (as read)

18 From a review of the list at Exhibit G,
19 Canada has over 100 points of entry and
20 departure by a motor vehicle on land
21 along the border with Canada and the
22 USA, not including any crossing with
23 Alaska.

24 Correct?

25 **A.** That's correct to my understanding, yes.

1 Q. Have you ever worked for the CBSA?

2 A. I have not, no.

3 Q. Have you been to all of these hundred plus border
4 crossings yourself?

5 A. No, I have not.

6 Q. How many of these hundred plus border crossings across
7 Canada have you been to?

8 A. I would say between 20 and 30 of them.

9 Q. Okay. So you haven't been to at least 70 of them?

10 A. No.

11 Q. When you say "no," you mean no, I'm wrong or no, you
12 have not been to them?

13 A. Sorry. To clarify, no, I have not been to at least 70.

14 Q. Okay. So you can't speak to what exists at the border
15 crossings that you haven't been to yourself, correct?

16 MR. MILLER: Well, that's a question of law.

17 You can rephrase.

18 OBJECTION TAKEN to answering the question: So you can't
19 speak to what exists at the border crossings that you
20 haven't been to yourself, correct?

21 Q. MR. AARON: Can you speak to what facilities
22 exist at the border crossings that you haven't been to,
23 Mr. Jost?

24 A. No, I cannot.

25 Q. Do you know whether all of these hundred plus points of

1 entry that you've identified allow for the transport of
2 commercial goods between Canada and the U.S.?

3 **A.** I do not know for sure. I would assume so or -- not --
4 not all of them.

5 **Q.** What do you base that assumption on?

6 **A.** Just to the amount of borders -- border crossings I
7 have been to, I would assume that some don't have the
8 staff for doing the inspections and the reports.

9 **Q.** Okay. And so you don't know whether all of these
10 hundred plus border crossings allow for the
11 transportation of livestock between Canada and the U.S.
12 or vice versa?

13 **A.** No, I do not.

14 **Q.** Do you know whether all of these hundred plus border
15 crossings allow for collection of duties and excise
16 taxes?

17 **A.** I do not know that, no.

18 **Q.** Do you know which of these hundred plus border
19 crossings that you have identified permit the shipment
20 of dangerous goods between the two countries?

21 **A.** No, I don't.

22 **Q.** And you don't know which of these hundred plus
23 crossings can accommodate a large 18-wheeler truck
24 carrying commercial goods?

25 **A.** No, I do not.

1 **Q.** And you say at paragraph 29 of your affidavit -- I'll
2 let you take a look at paragraph 29.

3 **A.** Okay.

4 **Q.** You say at paragraph 29 that: (as read)
5 Alberta has a total of six points of
6 entry and departure by motor vehicle on
7 land along the border with Canada and
8 the USA.

9 Correct?

10 **A.** That's correct.

11 **Q.** And how many of these border crossings have you been
12 to?

13 **A.** I think I've been to at least four of them.

14 **Q.** So at least four of the six? Which four have you been
15 to?

16 **A.** Aden, Coutts-Sweetgrass. Sorry. That's the same one.
17 It's just known as both. Carway and Del Bonita.

18 **Q.** Okay. And what are the two you haven't been to?

19 **A.** They're closer to in the Rockies. I'm blanking on the
20 name. I think something -- one of them is, like,
21 something Creek or something. I'm not familiar with
22 the other two.

23 **Q.** Okay. So you can't speak to the facilities that are
24 available at the Alberta border crossings that you
25 haven't been to, correct?

1 **A.** No, I cannot.

2 **Q.** And so you don't know -- well, do you know whether all
3 six Alberta crossings allow for the transportation of
4 commercial goods?

5 **A.** I do not know that for sure, no.

6 **Q.** And you don't know whether all six crossings allow for
7 the transportation of livestock across the border?

8 **A.** I do not know that for sure. I can only speculate.

9 **Q.** I don't want you to speculate. I only want you to tell
10 me what you know. You mention at paragraph 28 that
11 there was a blockade at the Coutts, Alberta, border
12 crossing, correct?

13 **A.** That's correct.

14 **Q.** Do you know what the quantity of commercial goods is
15 that passes through the Coutts border crossing
16 annually?

17 **A.** I do not know the number.

18 **Q.** Do you know what quantity of commercial goods passes
19 through any of the hundred plus border crossings that
20 you've identified in your affidavit?

21 **A.** No, I do not.

22 **Q.** Did you look for this information when you pulled this
23 exhibit off the CBSA website?

24 **A.** No, I did not.

25 **Q.** Why didn't you?

1 MR. MILLER: Well, hold on. That's -- I don't
2 think that's permissible about why or why not he pulled
3 up some information that you would want there, so I'm
4 not going to allow that question.

5 MR. AARON: On what basis, Mr. Miller?

6 MR. MILLER: Relevance.

7 MR. AARON: And why is it not relevant?

8 MR. MILLER: How is it -- well, you know, I'm
9 going to be frank. Like, I've been pretty fair
10 throughout all of these questionings. You all know the
11 test in Merck and Frosst, and I can --

12 MR. AARON: Actually, hang on a second,
13 please. Can we put Mr. Jost in a breakout room while
14 we're having this discussion?

15 MR. MILLER: No, we can't.

16 MR. AARON: Mr. Miller -- Mr. Miller, hang on
17 a second, please.

18 MR. MILLER: So I'm going to just --

19 MR. AARON: It's my --

20 MR. MILLER: I understand you're doing the
21 examination, but I'm objecting on the basis of the test
22 for relevance in Merck and Frosst in that it has --

23 MR. AARON: Mr. Miller, I do not want you to
24 argue your case in front of the witness. It is
25 tainting his evidence.

1 MR. MILLER: Yeah, well, saying an objection on
2 the basis of Merck and Frosst is what I'm saying. You
3 can now move on with your questions.

4 OBJECTION TAKEN to answering the question: Why didn't you?

5 Q. MR. AARON: If an 18-wheeler truck carrying
6 commercial goods for export between Canada and the U.S.
7 wishes to cross the border in Alberta, can it do so at
8 any of the six --

9 MR. AARON: Yes, Mr. Miller?

10 MR. MILLER: Ask the question. It's just
11 because we're not in person, I put my hand up so the
12 witness knows I'm about to object.

13 MR. AARON: Okay. What's your objection?

14 MR. MILLER: I'm waiting for you to finish your
15 question. I'll --

16 MR. AARON: I see your hand. You can put it
17 down. When I'm done my question, I'll let you make
18 your objection.

19 Q. MR. AARON: So if an 18-wheeler truck carrying
20 commercial goods for export between Canada and the U.S.
21 wishes to cross the border in Alberta, can it do it at
22 any of the six border crossings that you have
23 identified in your affidavit?

24 MR. MILLER: He's already answered that
25 question. Asked and answered. Objected to on that

1 basis.

2 MR. AARON: Okay. We'll move on.

3 OBJECTION TAKEN to answering the question: So if an
4 18-wheeler truck carrying commercial goods for export
5 between Canada and the U.S. wishes to cross the border
6 in Alberta, can it do it at any of the six border
7 crossings that you have identified in your affidavit?

8 Q. MR. AARON: You state at paragraph 29,
9 Mr. Jost, that: (as read)

10 Manitoba has a total of 16 points of
11 entry and departure by motor vehicle on
12 land along the border between Canada and
13 the U.S. --

14 A. That's correct.

15 Q. -- do you see that? Have you been to all 16 points of
16 entry in Manitoba?

17 A. No, I have not.

18 Q. How many points of entry in Manitoba have you been to?

19 A. I don't recall. I believe -- I believe one or two.

20 Q. Okay. And so you can't speak to the facilities that
21 are available at the 14 border crossings in Manitoba
22 that you have not been to?

23 A. No, I cannot.

24 Q. And you've identified at paragraph 29 that: (as read)
25 Ontario has a total of 14 points of

1 entry and departure by motor vehicle on
2 land along the border with Canada and
3 the USA.

4 Correct?

5 A. That's correct.

6 Q. Have you been to all 14 points of entry in Ontario?

7 A. No, I have not.

8 Q. How many have you been to?

9 A. To the best of my recollection, probably only three or
10 four of them.

11 Q. Can you speak to the facilities that exist at the
12 remaining points of entry in Ontario that you haven't
13 been to?

14 A. No, I cannot.

15 Q. Let's go to Exhibit H, please. This is Exhibit --
16 Exhibit H of your affidavit, Mr. Jost. So it's three
17 pages. We'll start with this one, and then we can --
18 we can move around in it as we go. Or would you prefer
19 to see all three right now?

20 A. We can -- as you said first. We can just show them as
21 we go.

22 Q. Okay. So you state at paragraph 30 of your
23 affidavit -- and I'll give you a minute to take a look
24 at paragraph 30 before I ask you about it.

25 A. Okay.

1 **Q.** You say that it contains -- that it's an exhibit that
2 contains snippets, is the word you use, N-I-P-P-E-T-S
3 [verbatim], of an interactive map showing all points of
4 entry and departure by motor vehicle on land along the
5 border with Canada and the USA and the provinces of
6 Alberta, Manitoba, and Ontario, correct?

7 **A.** That's correct.

8 **Q.** What do you mean by "snippets"?

9 **A.** Screen grabs.

10 **Q.** So does the Manitoba --

11 MR. AARON: Ms. Brzezicki, can you zoom in a
12 little bit, please?

13 **Q.** MR. AARON: Okay. So this is -- am I correct,
14 Mr. Jost, that this is the Alberta snippet?

15 **A.** That's correct.

16 **Q.** And does it show every single point of entry and
17 departure by motor vehicle on land along the
18 Canada/U.S. border in Alberta?

19 **A.** I think it's missing one.

20 **Q.** Which one is it missing?

21 **A.** I believe either Carway or one in the Waterton Lakes.

22 **Q.** How do you know it's missing?

23 **A.** Because I believe, to the best of my recollection,
24 there's six in Alberta.

25 MR. MILLER: For the record --

1 MR. AARON: Mr. Miller, did you want to say
2 something?

3 MR. MILLER: Yeah. I just -- I see six of what
4 you have up there. I don't know if he's miscounting.

5 A. Oh, okay. You're right. My apologies. My -- my
6 screen has a line down it. It's going, my Apple
7 laptop, so I thought that sixth one was in Saskatchewan
8 because of that line going down it. But now that I
9 see --

10 MR. MILLER: So, Mr. Jost, you need to keep
11 your laptop so that you can see the whole screen, okay?

12 A. Okay.

13 MR. MILLER: Because you're gonna -- you need
14 to be able to see exactly what he's showing you, all
15 right?

16 A. Yes. My apologies. Could we -- could we make the
17 photos smaller because the videos on the right side
18 that I see you guys are covering that? Thank you.

19 MR. BRZEZICKI: Is that better for you?

20 A. Yes, that's better. Thank you.

21 Q. MR. AARON: Okay. So I'll ask you again,
22 then, Does the Alberta snippet that you've provided
23 here show every single point of entry and departure by
24 motor vehicle on land along the Canada/U.S. border in
25 Alberta?

1 **A.** To the best of my knowledge, yes.

2 **MR. AARON:** Ms. Brzezicki, just to the next
3 page of this exhibit, please, the next snippet.

4 **Q.** **MR. AARON:** Okay. And I'm showing you now
5 another snippet. Is this what you refer to as the
6 Manitoba snippet?

7 **A.** That's correct.

8 **Q.** And does this Manitoba snippet show every single point
9 of entry and departure by motor vehicle on land along
10 the Canada/U.S. border in Manitoba?

11 **A.** To the best of my knowledge, yes.

12 **Q.** Am I correct that you have put this map into your
13 affidavit to demonstrate that these are all of the
14 border crossings in Manitoba?

15 **A.** That's correct.

16 **Q.** So then it's not to the best of your knowledge. It's
17 true, isn't it? You're saying that these are all of
18 them?

19 **A.** These are -- this is what the website is stating,
20 correct, yes.

21 **Q.** Well, so -- but that's my point, Mr. Jost. You've
22 taken these off of a website, but you don't know if the
23 website is accurate, correct?

24 **A.** I believe that this is the correct amount of border
25 crossings.

1 MR. AARON: Okay. Let's go to the next
2 exhibit -- or the next page, please, Ms. Brzezicki.

3 Q. MR. AARON: So this is the Ontario snippet.
4 Do you see that, Mr. Jost?

5 A. Yes, I do.

6 Q. Okay. And does this snippet show every single point of
7 entry and departure by motor vehicle on land on the
8 Canada/U.S. border in Ontario?

9 A. Yes, I believe so.

10 MR. AARON: Okay. Thank you, Ms. Brzezicki.
11 We can take this down.

12 Q. MR. AARON: So if we could go to paragraph 12
13 of your affidavit, Mr. Jost. You say at paragraph 12
14 that the protests were not what you would describe as
15 an anti-vaccine protest or an anti-government rally,
16 correct?

17 A. That's correct.

18 Q. But you would agree with me that others have described
19 it as an anti-vaccine protest?

20 MR. MILLER: Well, that's -- that's a pretty
21 vague and also speculative question, if you want to put
22 something to him. "Others" is a very --

23 Q. MR. AARON: Mr. Jost, have you heard others
24 describe the protest as an anti-vaccine protest?

25 A. Yes, I have.

1 **Q.** And you've heard others describe it as an
2 anti-government rally?

3 **A.** Yes, that's correct.

4 **Q.** But you don't agree with those descriptions?

5 **A.** No, I do not.

6 **Q.** Okay. And you say in your affidavit that your opinion
7 is based on your own interactions with people in
8 attendance at the protest, correct?

9 **A.** Yes, that's correct.

10 **Q.** And you would say that there were many tens of
11 thousands of people at the protests?

12 **A.** Yes, I would.

13 **Q.** In fact, there were many hundreds of thousands at the
14 protest?

15 **A.** Quite possibly, yes.

16 **Q.** And it's possible that there were anti-vaccine
17 protesters at the protest?

18 **A.** Absolutely, yes.

19 **Q.** And, in fact, you saw anti-vaccine protesters at the
20 protest?

21 **A.** Yes, I did.

22 **Q.** Okay. You state at paragraph 32 of your affidavit --
23 I'll give you a moment to go to that. So you say: (as
24 read)

25 I have been directly and substantially

1 harmed by the Emergencies Act for my
2 involvement in the protest.

3 Correct?

4 **A.** That's correct.

5 **Q.** Your bank accounts were not frozen pursuant to the
6 Emergencies Act, correct?

7 **A.** That's correct.

8 **Q.** You weren't arrested as a result of the Emergencies
9 Act?

10 **A.** That's correct.

11 **Q.** You told us you worked as a general contractor before
12 the Emergencies Act was invoked, correct?

13 **A.** That's correct.

14 **Q.** And you still work as a general contractor today?

15 **A.** That's correct.

16 **Q.** And the Emergencies Act was invoked on February 14th,
17 2022, correct?

18 **A.** Valentine's Day, yes, that's correct.

19 **Q.** You continued to attend the protests after the
20 Emergencies Act was invoked on February 14th, correct?

21 **A.** That's correct.

22 **Q.** And you continued to participate in the protests after
23 the Emergencies Act was invoked, correct?

24 **A.** That's correct.

25 **Q.** The Emergencies Act was invoked on February 23rd, 2022,

1 correct?

2 MR. MILLER: I think you -- you said "invoked."

3 I think you mean "revoked."

4 Q. MR. AARON: Sorry. Revoked. Pardon me. My
5 mistake. The Emergencies Act was revoked on February
6 23, 2022?

7 A. To the best of my recollection, yes, that was the date.

8 Q. And as a result of the Emergencies Act and associated
9 regulations, you were prohibited from protesting in
10 designated areas of downtown Ottawa between February
11 14th when it came into effect and February 23rd when it
12 was revoked, right?

13 MR. MILLER: Well, I'm just going to object
14 just because, one, that's a question of law. But also,
15 it's a misapprehension of the facts. It wasn't until
16 the 15th when the reg. came in that it actually
17 designated any areas, so if you could rephrase.

18 OBJECTION TAKEN to answering the question: And as a result
19 of the Emergencies Act and associated regulations, you
20 were prohibited from protesting in designated areas of
21 downtown Ottawa between February 14th when it came into
22 effect and February 23rd when it was revoked, right?

23 Q. MR. AARON: Mr. Jost, did you understand that
24 when the Emergencies Act was in effect, you were
25 prohibited from protesting in designated areas of the

1 downtown in Ottawa?

2 A. That's correct.

3 Q. And you understood that everyone was prohibited from
4 protesting in those same designated areas of downtown
5 Ottawa?

6 A. Yes.

7 Q. During that time period that the Emergencies Act was in
8 effect, you were still able to peacefully assemble to
9 protest in other parts of Ottawa that weren't
10 designated, correct?

11 A. In theory, yes.

12 Q. Did you do so?

13 A. No, we did not.

14 Q. And when the Emergencies Act was in effect, you could
15 still peacefully assemble to protest in other parts of
16 Ontario; is that correct?

17 A. That's correct.

18 Q. Did you do so?

19 A. In a way, yes.

20 Q. During that time period, you could still peacefully
21 assemble to protest in other parts of Canada, correct?

22 A. That's correct.

23 Q. Did you do so?

24 A. In a way, yes.

25 Q. And during that time period when the Emergencies Act

1 was in effect, you could still express your
2 constitutional rights to oppose government policies in
3 other parts of Ottawa, correct?

4 A. That's correct.

5 Q. And during that time period that the Emergencies Act
6 was in effect, you could still express your
7 constitutional rights to oppose government policies in
8 other parts of Ontario, correct?

9 A. That's correct.

10 Q. And, again, during that same time period, you could
11 express your constitutional rights to oppose government
12 policies in other parts of Canada, correct?

13 A. That's correct.

14 Q. And did you take advantage of that opportunity to
15 express your constitutional rights to oppose government
16 policies in any of these other areas?

17 A. At times, yes.

18 Q. And during that same time period when the Emergencies
19 Act was in effect, you could still express your
20 constitutional rights to oppose government policies by
21 writing editorials, correct?

22 A. That's correct.

23 Q. And you could still do so by undertaking a
24 letter-writing campaign to elected officials?

25 A. That's correct.

1 **Q.** And you could express your constitutional rights by
2 voting if there happened to be an election?

3 **A.** That's correct.

4 **Q.** And you could express your constitutional rights to
5 oppose government policies by running for public
6 office?

7 **A.** That's correct.

8 **Q.** And you could -- during that time that the Emergencies
9 Act was effect, you could express your constitutional
10 rights to oppose government policies by publishing your
11 views on the internet?

12 **A.** That's correct.

13 **Q.** And during that time period, you could still express
14 your constitutional rights to oppose government
15 policies by giving interviews with the news media?

16 **A.** That's correct.

17 **Q.** So, Mr. Jost, and others, I'm at the point now where
18 we're about an hour and three-quarters in, and it's
19 almost 2:00 here and almost noon your time. Would this
20 be a good time to take a break for lunch or for --

21 MR. MILLER: Sure.

22 MR. AARON: -- whenever you want to take a
23 break?

24 MR. MILLER: If I may ask -- you can take as
25 long as you like. I'm here all day, and I think

1 Mr. Jost is, but do you have a time frame? My
2 paralegal is all over me trying to do some stuff. What
3 time are you going to be done, do you think, ballpark?

4 MR. AARON: To come back, you mean?

5 MR. MILLER: Once we get back, like, how much
6 longer of questioning? Can you ballpark? Are you
7 halfway through, a quarter through?

8 MR. AARON: We're less than halfway through.

9 MR. MILLER: Okay. So I'll tell her to clear
10 everything for the rest of the day, then. Thanks.

11 MR. AARON: I think that's fair.

12 MR. MILLER: I'm happy to come back whenever
13 works for everybody.

14 (DISCUSSION OFF THE RECORD)

15 (Proceedings ended at 11:46 a.m.)

16

17 (Proceedings to recommence at 12:15 p.m.)

18

19 (Proceedings recommenced at 12:18 p.m.)

20 JEREMIAH JOST, previously affirmed, questioned by

21 Mr. Aaron:

22 **Q.** So, Mr. Jost, at paragraph 13 of your affidavit, you
23 mentioned that the -- or you describe the protest as
24 beautiful, diverse, and inclusive to all, correct?

25 **A.** That's correct.

1 Q. At paragraph 15, you describe the protest as family
2 friendly and akin to a carnival, correct?

3 A. That's correct.

4 Q. And then at paragraph 49, you describe the protest as
5 entirely peaceful, correct?

6 A. That's correct.

7 Q. Okay. And these statements are based on your own
8 observations?

9 A. Yes, everything I witnessed.

10 Q. You saw lots of people holding signs at the protest?

11 A. That's correct.

12 Q. And you saw lots of people waving flags at the protest?

13 A. That's correct.

14 Q. What sorts of flags did you see people waving?

15 A. Oh, that's a long list. I -- mostly, obviously,
16 Canadian flags. The second most flag I saw then was
17 everyone brought their provincial flags. I saw a flag
18 that has a white -- it's a white flag with a red circle
19 with a red dash through it, and it stands for no more
20 oppression. The "O" stands for oppression and the --
21 and then I don't -- I don't recall -- I mean, there's a
22 long list of little -- little signs and homemade flags
23 and different things.

24 Q. Okay. I'm just going to pause.

25 MR. AARON: Madam court reporter, I see

1 somebody has logged on from Neeson's Tech. Should we
2 hang on for a second?

3 COURT REPORTER: You can just keep going. They can
4 just make me host and then log off. Thank you.

5 **Q.** MR. AARON: Okay. Sorry about that, Mr. Jost.
6 We'll keep going.

7 MR. AARON: So, Ms. Brzezicki, can you bring
8 up the -- the flag photo, please? That's good.

9 **Q.** MR. AARON: So I'm showing you an image,
10 Mr. Jost, of some men holding what looks to be five
11 flags. Do you see that?

12 **A.** Yes, I do.

13 **Q.** And to the right of the picture, you see a little
14 circle of a man and the name indicated as Mark
15 Gerretsen, G-E-R-R-E-T-S-E-N. Do you see that?

16 **A.** If you could make that just a little smaller. Again,
17 my videos are covering that.

18 **Q.** Smaller? Sure.

19 **A.** Yeah. There we go. Now I can see it.

20 **Q.** Is that better? Okay. So you see Mr. Gerretsen's
21 name?

22 **A.** Yes, I do.

23 **Q.** And underneath it, you see there's a Twitter handle
24 that says @markgerretsen?

25 **A.** That's correct.

1 **Q.** And according to this image, this photograph was posted
2 on January 29th, 2022, at 3:05 p.m., correct?

3 **A.** That's correct, the day we got there.

4 **Q.** And the image includes -- there's a hashtag that says
5 "Freedom Convoy 2022" in blue font?

6 **A.** Yes, that's correct.

7 **Q.** And there are words under Mr. Gerretsen's picture that
8 say "more from Ottawa"?

9 **A.** That's what he's claiming, yes.

10 **Q.** Yeah, well, I just -- I'm not asking if he's claiming
11 it, but those are just the words you see on this
12 picture, correct?

13 **A.** Yes. Yes, that's correct.

14 **Q.** And so one of the flags you see is men -- or people, I
15 should say, waving a Canadian flag with a maple leaf,
16 correct?

17 **A.** That's correct.

18 **Q.** And then one of the flags in the lower left-hand corner
19 is a red background flag with a white circle and a
20 black symbol on it. Do you see that one?

21 **A.** Yes, I do.

22 **Q.** And that black symbol is called a swastika, correct?

23 **A.** That's correct.

24 **Q.** Have you ever seen that flag before?

25 **A.** Yes, I have.

1 Q. And did you see it when you attended the protests in
2 Ottawa?

3 A. Never once.

4 Q. And have you seen that black symbol before?

5 MR. MILLER: Black symbol?

6 A. The swastika.

7 Q. MR. AARON: Pardon me, the swastika. Have you
8 seen that symbol before?

9 A. Yes, I know it. I know it very well.

10 Q. And did you see it when you attended the protests in
11 Ottawa?

12 A. No, I did not. I did not see it in the protests.

13 Q. Okay. Did you see -- did you see it while you were in
14 Ottawa?

15 A. I witnessed an anti-protest by people who live in
16 downtown Ottawa who were objecting to our protest, and
17 some of them had that symbol on it claiming that we
18 were Nazis.

19 Q. Okay. And did you speak to those people?

20 A. I attempted to.

21 Q. Mm-hmm. Were you successful?

22 A. No.

23 MR. MILLER: Oh, go ahead.

24 A. No, I was not.

25 Q. MR. AARON: Okay. So you say they there

1 protesters from -- did I hear you correctly, from
2 downtown Ottawa?

3 A. Sorry. They were in downtown Ottawa. I have no clue
4 where they're from.

5 Q. Okay. And they were carrying this flag?

6 A. No. They had homemade signs --

7 Q. Sorry. They --

8 A. You asked if I had seen this symbol.

9 Q. You're correct. I made a mistake. Thank you for
10 clarifying. And how do you know that they were
11 anti-convoy protesters?

12 A. They had a group of probably 150 people, and when
13 they're chanting, "F-you, truckers. Go home," and all
14 of their signs -- there were anti-trucker signs. There
15 were anti-police signs. There were anti -- anti-vaxxer
16 signs. It was -- it was very clear that it was a
17 protest, as well as every mainstream media outlet was
18 there. It looked like a movie set.

19 Q. Did you get a photograph of those protesters?

20 A. I don't think I did personally, but I was given one,
21 which is, I believe, in my affidavit.

22 Q. Where is that photo in your affidavit?

23 A. Let me just pull it up. You know what? It's not in my
24 affidavit.

25 Q. Okay.

1 **A.** My apologies. I thought that was part of the evidence,
2 but it was not. I do have photos that were taken for
3 me. It's a long story if you want it.

4 **Q.** Why don't you just tell me who took those photos for
5 you?

6 **A.** I had a random guy come up to me and take a photo of me
7 and my wife who were standing across the street from
8 the protesters. He took a Polaroid and then printed it
9 out immediately and handed it to us. And then I was
10 sent another photo, almost identical, of us standing
11 there by another professional or semiprofessional
12 photographer.

13 **Q.** Okay. Did you get the names of those individuals who
14 took the photos?

15 **A.** I don't know them off the top of my head, but the one,
16 I would know because he sent it to me, but I don't know
17 his name off the top of my head.

18 **Q.** Okay. Did you -- did you post those photos of the
19 counterprotesters with the swastika on your Facebook?

20 **A.** No, I don't think I did.

21 **Q.** You posted a lot of other videos, though, correct, on
22 your Facebook of you attending the protest?

23 **A.** Yes, that's correct.

24 **Q.** Okay. You would agree with me that the swastika is a
25 symbol of the Nazis?

1 **A.** Absolutely.

2 **Q.** Other than this incident that you say you saw, did you
3 see that symbol anywhere else in Ottawa?

4 **A.** No, I did not.

5 MR. AARON: Ms. Brzezicki, can you go to the
6 next picture, the one that has the word "assassin" on
7 it? Actually, before -- before we do that, can I ask
8 that the previous image be marked for identification
9 purposes?

10 MR. MILLER: Yes, it can be marked for
11 identification purposes.

12 COURT REPORTER: Can we describe it, please, so
13 it's clear?

14 MR. AARON: Sure. So marking for
15 identification the picture of men carrying five flags,
16 one of them being the -- appears to be the Nazi
17 swastika on a red background, and there's snow on the
18 ground behind them.

19 EXHIBIT A FOR IDENTIFICATION - A copy
20 of a photograph of people carrying five
21 flags, including one with a swastika

22 MR. AARON: So the next image, please,
23 Ms. Brzezicki.

24 **Q.** MR. AARON: So the image I'm showing you --
25 and tell me -- tell us if you would like us to zoom in

1 or out on this to see it better, Mr. Jost. But it's an
2 image that has the words, "'Freedom Convoy' rolls
3 through Ottawa encouraging the participation of
4 Canada's far-right." Do you see that?

5 A. Yes, I see the photo, yeah.

6 Q. And above the photo, you can see the Peace Tower on
7 Parliament Hill?

8 A. Yes.

9 Q. And you also see a photo above the word "Freedom
10 Convoy" that says part of the word -- what I believe to
11 be "assassin." You can see A-S-S-A-S-S, and then it
12 gets cut off. Do you see that?

13 A. Yes, I see it.

14 Q. And below that, there's a picture of a -- what looks to
15 be a syringe or a needle with a -- with a green droplet
16 coming off of it. Do you see that?

17 A. Yes.

18 Q. Have you seen -- well, you notice that the S's in the
19 word "assassin" are in a different font. Do you see
20 how they're different from the others?

21 A. Yes, I do.

22 Q. Have you seen that "SS" symbol before?

23 A. Yes. It's -- it's part of the Nazi regiment.

24 Q. And in your experience at the protest, did you see the
25 "SS" symbol anywhere?

1 **A.** No, I -- not to my -- not to the best of my
2 recollection, no.

3 **Q.** Did you see it anywhere in Ottawa?

4 **A.** Not off the top of my head, I cannot remember seeing
5 one, no.

6 **Q.** Is it fair to say that if you had seen one, it's
7 something that would stand out to you because of the
8 nature of the symbol?

9 **A.** Yeah, I would say so, yeah.

10 MR. AARON: Next picture, please,
11 Ms. Brzezicki.

12 MR. BRZEZICKI: Please let me know if you need me
13 to zoom in. Thank you.

14 MR. AARON: And, again, I apologize, but,
15 madam court reporter, I would like to have the previous
16 picture that I described with the word "assassin" and
17 the title "'Freedom convoy' rolls through Ottawa
18 encouraging the participation of Canada's far-right"
19 with the Peace Tower in the background -- I would like
20 to have that marked as the next exhibit for
21 identification.

22 MR. MILLER: That's fine.

23 EXHIBIT B FOR IDENTIFICATION - A
24 picture depicting the Peace Tower in
25 the background with part of the word

1 "assassin" and the title "'Freedom
2 convoy' rolls through Ottawa
3 encouraging the participation of
4 Canada's far-right" on it

5 Q. MR. AARON: All right. And so the next
6 picture or image I'm showing you is what appears to be
7 an online article, and it has the words "NPR" on the
8 upper left-hand corner. Do you see that?

9 A. Yes, I have seen it. I have no clue who that is.

10 Q. Okay. And you see npr.org is in the web address above
11 it?

12 A. Yeah, I see it in the photo, yeah.

13 Q. And so do you know -- or have you heard of National
14 Public Radio?

15 A. No, I have not.

16 Q. And this image has the words, "The Ottawa trucker
17 protest is rooted in extremism, a national security
18 expert says." Do you see those words?

19 A. Yes, I see those words.

20 Q. And you can see -- in the image below those words, you
21 can see a Peace Tower in the background, correct?

22 A. Correct.

23 Q. And in the foreground, you see a number of people
24 standing there, correct?

25 A. That's correct.

1 **Q.** And to the right, as you look at the picture, there's
2 somebody holding a sign that says, "We the fringe,"
3 correct?

4 **A.** Correct.

5 **Q.** And to the left, there's somebody who has a flag draped
6 over their left shoulder. Do you see that?

7 **A.** That's correct.

8 **Q.** And that flag has a red background, correct?

9 **A.** Yes. That's -- that's what appears to be a Confederate
10 flag.

11 **Q.** Okay. So I'm just going to ask my questions, and
12 we'll -- we'll get to that. And so do you see a blue
13 cross across the red background?

14 **A.** An X, yes.

15 **Q.** An X. Okay. And inside that X on the blue background,
16 do you see white stars?

17 **A.** Yes.

18 **Q.** Okay. And do you see a big rig truck -- a picture of a
19 big rig truck, I should say, superimposed over that
20 flag?

21 **A.** Yes, I do.

22 **Q.** Okay. And it's your understanding, as you mentioned, I
23 think, that that is a Confederate flag?

24 **A.** Yes.

25 **Q.** Have you seen this flag before?

1 **A.** I've seen a photo of it, yes.

2 **Q.** And did you see it at the protest?

3 **A.** I don't think I ever saw it in person, no.

4 **Q.** You say you don't think you ever saw it in person.

5 **A.** Mm-hmm.

6 **Q.** What do you mean by that?

7 **A.** Meaning I never saw it in person. I saw a photo on
8 social media.

9 **Q.** Okay. So did you see anyone carrying a photo of this
10 flag while you were at the protest?

11 **A.** No. Not to the best of my recollection, no.

12 **Q.** Did you see this flag while you were in Ottawa in
13 person?

14 **A.** I -- I do not remember seeing it. I could be wrong. I
15 saw thousands of flags.

16 **Q.** You would agree with me, though, that if you saw the
17 Confederate flag in Ottawa, you would remember it
18 because of its significance as a symbol of hatred?

19 MR. MILLER: Well, I'm going to object, not
20 because it's -- it's not -- you've classified it as a
21 symbol of hatred, and I personally agree with that, but
22 I don't want to concede that point because that one
23 flag --

24 MR. AARON: Definitely.

25 MR. MILLER: You get what I'm saying. Go

1 ahead.

2 MR. AARON: No, that's fine. If you don't
3 want the Confederate flag to be recognized as a symbol
4 of hatred, I --

5 MR. MILLER: I understand where you're going.
6 Like, I personally do, but I -- I don't -- I'm not
7 going to allow you to put that to the witness. You can
8 ask -- you can ask him if he believes it's a symbol of
9 hatred. That's fair.

10 OBJECTION TAKEN to answering the question: You would agree
11 with me, though, that if you saw the Confederate flag
12 in Ottawa, you would remember it because of its
13 significance as a symbol of hatred?

14 A. I would like to answer that question, if I'm able.

15 Q. MR. AARON: I haven't asked it, so that's all
16 right. We'll just move on.

17 MR. AARON: So I'm going to ask that this
18 picture be marked as the next exhibit for
19 identification. It is a document that appears to be an
20 article from NPR with the title, "The Ottawa trucker
21 protest is rooted in extremism, a national security
22 expert says."

23 COURT REPORTER: Is that fine, Mr. Miller?

24 MR. MILLER: Oh, yeah. And there's no -- and
25 just for this -- all exhibits for identification

1 purposes, there's no ability to object, and I,
2 therefore, don't object. If I remain silent, just go
3 ahead.

4 MR. AARON: Okay. Thank you.

5 EXHIBIT C FOR IDENTIFICATION - A copy
6 of an article from NPR with the title,
7 "The Ottawa trucker protest is rooted
8 in extremism, a national security
9 expert says"

10 Q. MR. AARON: Mr. Jost, going back to the
11 swastika that we were talking about earlier, you agree,
12 correct, that that's a symbol of Naziism?

13 A. Absolutely, yes.

14 Q. And you'd agree that it's a symbol of hatred?

15 A. Absolutely.

16 Q. And it's a symbol of division?

17 A. Absolutely.

18 MR. AARON: Next picture, please,
19 Ms. Brzezicki.

20 Q. MR. AARON: And I'll get you a -- we'll be
21 able to zoom in on this a little bit, but let me just
22 put this one to you as well to see -- again, to ask you
23 to go back to your recollections of your time at the
24 protest. So this appears to be a photograph from
25 something called The Link newspaper. Is that fair? Do

1 you see it in the -- in the --

2 **A.** Yes, I see the -- I see the URL, yes.

3 **Q.** URL, so the -- in other words, the web link, correct,
4 Mr. Jost?

5 **A.** Correct.

6 **Q.** And the title here of this, you see the words "Ottawa's
7 Exasperating Tailgate." Do you see that?

8 **A.** Yes, I see it.

9 **Q.** And if we can zoom in, Ms. Brzezicki, you'll see that
10 it was published on February 4 of 2022, correct?

11 **A.** Yes, I can see that now, yeah.

12 **Q.** Okay. And it shows a picture of a red winter jacket,
13 correct?

14 **A.** Correct.

15 **Q.** And the jacket has two front pockets on it that are
16 visible in the picture, correct?

17 **A.** Correct, yes.

18 **Q.** And one of the pockets has a yellow star on it,
19 correct?

20 **A.** Correct.

21 **Q.** And if we can go -- we zoomed in. It's hard to zoom in
22 on this photo, so I've taken a screenshot of it.

23 MR. AARON: If you can give me the other
24 zoomed-in photo, Ms. Brzezicki.

25 **Q.** MR. AARON: So that -- on that yellow star on

1 the red pocket are the words "Non Vaxx," N-O-N,
2 V-A-X-X. Do you see that?

3 A. Yes.

4 Q. And in the time -- in your time at the protest in
5 Ottawa, you saw this star being worn by some of the
6 protesters?

7 A. Is that a question?

8 Q. Yes.

9 A. Yes, I did.

10 Q. And did you ever wear this star yourself?

11 A. No, I did not. I don't agree with it.

12 Q. Are you aware that the Nazis made Jews wear this yellow
13 star during the Holocaust?

14 MR. MILLER: Well, rephrase. It's not that
15 yellow star.

16 Q. MR. AARON: Okay. Are you aware that the
17 Nazis made Jews wear a yellow star comparable to the
18 one that you see in this picture during the Holocaust?

19 A. Yes, I'm aware of that.

20 Q. And when you saw protesters wearing this yellow star,
21 did you ask them why they were wearing it?

22 A. Yes, we had a conversation, yeah.

23 Q. And they told you that it was to equate the oppression
24 of the vaccine mandates with the horrors of the
25 Holocaust?

1 **A.** No, they said that it represented government having
2 everybody marked, and it refers to vaccine passports
3 and having your what should legally be private medical
4 past now be public, and their concern was it goes
5 against our constitutional right to have medical
6 privacy.

7 **Q.** Are you aware that the Nazis made Jews wear a star that
8 looked like this one for the purposes of identifying
9 them as Jews during the Holocaust?

10 **A.** Yes, I am.

11 **Q.** Yeah. And you're aware that the Nazis had them wear
12 this star for the purposes of separating them from the
13 rest of the population and sending them to
14 concentration camps?

15 **A.** Yes, I believe there was many different stars: Jews,
16 Christians, gays. They had many identification
17 markers.

18 **Q.** Okay. But I'm just asking about this one that we see
19 in the picture. So this yellow star, this one related
20 to Jews, correct?

21 **A.** Yeah. I mean, your -- your question was more of a
22 speculative statement.

23 MR. MILLER: It's for him to ask the questions,
24 Mr. Jost. You just --

25 **A.** Okay.

1 MR. MILLER: You don't need -- I understand if
2 you need a clarification, you can ask him for
3 clarification, but you don't -- you don't need to ask
4 him questions or argue with him, okay? Go ahead.

5 A. Okay. My apologies.

6 Q. MR. AARON: Mr. Jost, I don't want you to -- I
7 definitely don't want to speculate, and I don't want
8 you to speculate. So are you confident that what I
9 said about the Nazis making Jews wear this star -- or
10 wear a star like the star in this picture is an
11 accurate statement?

12 A. Yes. Yes.

13 Q. And you would agree with me that the Nazis exterminated
14 6 million Jews by killing them in extermination camps
15 during the Holocaust?

16 MR. MILLER: Objection. I'm just -- I let it
17 go, but this is not relevant, and I object on the
18 grounds of Merck and Frosst. There's no doubt about
19 the history of the atrocities --

20 MR. AARON: I just want to be clear --

21 MR. MILLER: I don't understand how this is
22 relevant, but I was -- that went too far.

23 MR. AARON: So I just want to be clear. I
24 asked Mr. Jost if 6 million Jews had been exterminated
25 by the Nazis, and you've objected to him answering that

1 question, Mr. Miller; is that correct?

2 MR. MILLER: It's conceded the 6 million Jews,
3 for the purpose of these proceedings, were killed by
4 the Nazis, but what you're asking --

5 MR. AARON: Okay. Well, then I --

6 MR. MILLER: You're asking him questions that
7 have no bearing whatsoever on what's in his affidavit
8 or the judicial review. So I'm trying to be fair and
9 let you go, even though I think a lot of what you're
10 asking is irrelevant under the Merck and Frosst test.
11 But, you know, when you start, you know, peppering a
12 record with things like that, it goes too far, and it's
13 not relevant and material. And I've let a lot of stuff
14 go today that's not relevant and material, but you've
15 now --

16 MR. AARON: Well, sir, if you didn't object to
17 it, then I take it that it's relevant and material
18 because you didn't object to it.

19 MR. MILLER: Well, just because you ask a
20 question, doesn't mean it's going to be considered by
21 the Court or --

22 MR. AARON: Well, that's fair.

23 MR. MILLER: Right. So I'm letting you -- I'm
24 letting you go, and I've been trying to and keeping my
25 mouth shut despite there's been some objections I could

1 have made, but once you're starting to get into
2 something that's entirely irrelevant and we're talking
3 about the Holocaust from 19 -- you know, the '30s until
4 '45, it has no bearing on this matter.

5 MR. AARON: Right. So the witness has said
6 that he saw this yellow star being worn by protesters,
7 and he's acknowledged that it was also a star like this
8 that was worn by Jews as required by the Nazis during
9 the Holocaust, and so you're saying --

10 MR. MILLER: And you have the answer. You have
11 the answer.

12 MR. AARON: Mr. Miller -- please, Mr. Miller,
13 let me finish my question.

14 MR. MILLER: Right.

15 MR. AARON: Okay. So I'm saying to you that
16 if the witness has told me that the Nazis required the
17 Jews to wear this star during the Holocaust and he saw
18 this star during his experiences at the protest, then
19 I'm entitled to ask him about this star as it relates
20 to the Holocaust.

21 MR. MILLER: Well, I think you've asked him
22 that. You've asked and answered it.

23 MR. AARON: Okay. Well, you concede that
24 6 million Jews were slaughtered by the Nazis in the
25 Holocaust?

1 MR. MILLER: Yeah, there's no debate about
2 that.

3 MR. AARON: So then why can't I ask the
4 question if he also --

5 MR. MILLER: Because it has nothing to do with
6 this proceeding, and it has nothing to do with what's
7 in his affidavit.

8 MR. AARON: Listen. That's fine, Mr. Miller.
9 I disagree, and we can -- obviously we can work that
10 out, but I take your point. You don't want Mr. Jost to
11 answer the question about 6 million Jews dying in the
12 Holocaust, so I will move on.

13 MR. MILLER: Just to speed this up, answer the
14 question, Mr. Jost.

15 MR. AARON: No, no, no, your objection is
16 noted, and I'm moving on. The question is withdrawn at
17 this point.

18 MR. MILLER: Well, again, it's conceded, and I
19 believe Mr. Jost concedes that --

20 MR. AARON: That's fine. I withdraw the
21 question. I withdraw the question, and I'm moving on.
22 At this point, if it's conceded and you don't want him
23 to answer it, I will move on. You're laughing,
24 Mr. Miller. Why are you --

25 MR. MILLER: I am laughing because you're

1 trying to turn this into something that has nothing to
2 do with the Emergency Protections Act.

3 MR. AARON: Well, I'd appreciate if you didn't
4 laugh -- I'd appreciate if you didn't laugh during my
5 cross-examination. I take the Holocaust very seriously
6 and --

7 MR. MILLER: And so does Mrs. van den Berg
8 because it happened to her people as well. So I can
9 understand -- you may need to understand that getting
10 into that is sort of an emotional trigger for some
11 people. So if you could please -- like, I don't
12 understand what the other things -- you've asked the
13 questions about this star. You've established about
14 how the star -- what it means. Going through World War
15 II and other Holocaust and other atrocities committed
16 in the 1930s and '40s is not relevant to this
17 proceeding. That's why I'm objecting.

18 MR. AARON: Okay. Well, then, we will move
19 on.

20 Q. MR. AARON: You would agree with me, Mr. Jost,
21 that it's utterly offensive to the memories of the
22 millions who were slaughtered by the Nazis during the
23 Holocaust to be wearing this star during the protests?

24 A. Yes, I -- I agree with that, and that's why I stated I
25 don't agree with this. I think it's extreme.

1 **Q.** And when you saw people -- or protesters wearing this
2 star, you approached them, correct?

3 **A.** I -- I talked to them. I was not directly approaching
4 them, no.

5 **Q.** Well, didn't you go up to them and tell them that it
6 was offensive?

7 **A.** I had a conversation with them about it.

8 **Q.** So you just said you didn't go up to them. So if you
9 didn't go up to them, how did you have a conversation
10 with them about it?

11 **A.** It's a very crowded place, and you can, all of a
12 sudden, be standing right in front of somebody and have
13 a conversation. But, again, I saw many signs, and
14 until you ask that person --

15 **Q.** I don't want to know about the many signs. I just want
16 to talk about this symbol.

17 **A.** Mm-hmm.

18 **Q.** And so you personally find this symbol offensive?

19 **A.** I disagree with it, yes.

20 **Q.** You disagree with it. And did you tell the protesters
21 who were wearing this star that you found it offensive?

22 **A.** To the best of my recollection, I can't remember the
23 conversation we had, but I do remember me and my wife
24 talking and saying that we thought it went too far and
25 that it --

1 **Q.** Right. So you and your wife had that conversation with
2 each other?

3 **A.** Mm-hmm.

4 **Q.** Right. But you don't recall having that conversation
5 with any of the protesters wearing this star?

6 **A.** No, I only talked briefly to one of them.

7 **Q.** Okay. And when you talked briefly to one of them, it
8 wasn't to admonish them for wearing this star?

9 **A.** No.

10 **Q.** I'm sorry?

11 **A.** No, I did not.

12 **Q.** Okay. If we could go to Exhibit V of the affidavit
13 of --

14 MR. MILLER: Do you want to mark this, and you
15 can mark it --

16 MR. AARON: Yes, please. I thought we had
17 already. Let's please mark this as -- my apologies.
18 Let's mark this as the next exhibit for identification
19 purposes.

20 MR. MILLER: No, you can -- this zoomed-in one,
21 he's identified it. You've questioned about it
22 extensively. I think it's fair to mark it as a full
23 exhibit if you want. It's up to you. The zoomed-in
24 one, you have up there right now.

25 MR. AARON: All right. Let's mark the

1 previous one for identification, the one -- let's go to
2 the previous one for a second, please, Ms. Brzezicki.
3 So this -- marking it for identification, it has the
4 word "The Link" in the upper left-hand corner and a
5 title that says, "Ottawa's Exasperating Tailgate," and
6 it has a picture of a red winter jacket with a yellow
7 star on the pocket.

8 COURT REPORTER: And that will be as an exhibit for
9 identification?

10 MR. AARON: Yes.

11 EXHIBIT D FOR IDENTIFICATION - A copy
12 of a document with the words "The Link"
13 in the upper left-hand corner and a
14 title that says, "Ottawa's Exasperating
15 Tailgate," and it has a picture of a
16 red winter jacket with a yellow star on
17 the pocket

18 MR. AARON: And then the next photo, the
19 zoomed-in one, we're going to be marking this one as an
20 exhibit to this cross-examination. I've lost track of
21 the numbers. I think it's Exhibit No. 2.

22 MR. MILLER: Yes, it is.

23 MR. AARON: This is the zoomed-in picture of
24 the red jacket with a yellow star with the words "Non
25 Vaxx" on it.

1 EXHIBIT 2 - A copy of a zoomed-in
2 picture of a red jacket with a yellow
3 star with the words "Non Vaxx" on it

4 **Q.** MR. AARON: You would agree with me also,
5 Mr. Jost, that this star is referred to as the Star of
6 David?

7 **A.** Yes.

8 **Q.** Okay. Thank you. If we could go next to Exhibit V in
9 the affidavit of Rebecca Coleman that has been filed in
10 this proceeding.

11 **A.** Could I just also ask that you pronounce my last name
12 as J-O-S-T as in -- Jost as in "most," not Jost as in
13 "lost." Sorry.

14 **Q.** Absolutely. I -- I apologize. I thought it was but --
15 I thought I was, but it may be sort of a regional
16 accent --

17 **A.** No worries.

18 **Q.** -- different. I can assure you that it wasn't
19 intentional on my part so --

20 **A.** No, no worries. A lot of people say that --

21 **Q.** -- Jost as in "most"?

22 **A.** Yes, correct.

23 **Q.** So just so I've got it correct.

24 **A.** Okay. Perfect.

25 **Q.** And so this is Exhibit V to the Coleman affidavit, and

1 it shows the -- on the left-hand upper area, the logo
2 for CNN. Do you see that?

3 **A.** Yes, I see that.

4 **Q.** And CNN is the Cable News Network, correct?

5 **A.** Correct.

6 **Q.** And the document has a title -- or has words on it in
7 bold at the top that says, "Ottawa to establish hate
8 incident hotline amid reports of racism and
9 anti-Semitism during protests over COVID-19 mandates."
10 Do you see that?

11 **A.** Yeah, I can read that.

12 **Q.** Well, you can read it, but do you see it on the
13 document?

14 **A.** Yes, I do.

15 **Q.** And if we zoom in a little bit, it -- you'll see that
16 it says that the authors of this document are Raja
17 Razek, R-A-J-A, R-A-Z-E-K. Do you see that?

18 **A.** Yes.

19 **Q.** And the other name is Chris Boyette? Last name is
20 spelled B-O-Y-E-T-T-E?

21 **A.** Yeah, I can see that, yeah.

22 **Q.** And it says "CNN" after their names?

23 **A.** Yes.

24 MR. AARON: And if we could go down a little
25 bit, Ms. Brzezicki.

1 **Q.** MR. AARON: I want to ask you some questions
2 about what's written on this document, Mr. Jost.

3 MR. MILLER: So I'm going to object --

4 MR. AARON: Yes, Mr. Miller.

5 MR. MILLER: Yeah, so you haven't had him
6 confirm if he's seen the document before, and I'm not
7 going to allow questions unless he's seen the document
8 previously.

9 MR. AARON: It's irrelevant to me if he's seen
10 the document because I'm not asking him to agree that
11 it's true. I just want to ask him what's written on
12 it.

13 MR. MILLER: Right. So fair to say, then,
14 you're just using this as a cross-examination aid and
15 that you just want to put facts in there? Like, what
16 are you -- what's the --

17 MR. AARON: I will be marking this one for
18 identification. It's not going in as an exhibit, and I
19 want to ask him about his experiences at the protest
20 and if he's seen something similar to what's written in
21 the statement --

22 MR. MILLER: And here -- here's my concern, and
23 I'm not -- I'm just airing an objection. You know that
24 we object and have to the admissibility of all of these
25 hearsay news article that have been put in by one of

1 the paralegals from your office and their affidavit --

2 MR. AARON: Well, you can argue that before
3 the Court --

4 MR. MILLER: I understand. I understand, but
5 the thing is, you know, typically for these
6 examinations, in Merck and Frosst, you're -- you're
7 able to put facts sworn to by one of your witnesses to
8 mine, but she hasn't sworn to the truth of the contents
9 of any of these. And so on that basis, I object to you
10 putting it to him. However -- however, you are
11 permitted to put to the witness any facts that you
12 would like with respect to observations and things he
13 heard and things that he observed, et cetera, during
14 his time at the protest.

15 But putting this document to him without him
16 saying that he's seen it before is not permissible, and
17 it's not sworn to being true by the affiant in the
18 affidavit you filed. So I'm objecting to you putting
19 it to him on that basis. And as I've said, and I sent
20 an email earlier about this, you can put whatever facts
21 as to what was going on at the protest to the witness,
22 but I'm not going to permit putting news articles to
23 him with hearsay that's not admissible. So that's my
24 objection and --

25 MR. AARON: Right.

1 MR. MILLER: -- you can rephrase the questions.

2 I think you can achieve what you're trying to, but I'm
3 not allowing you to put the document to him.

4 MR. AARON: Okay. Well, thank you for that
5 commentary. I appreciate it, and I will note for the
6 record that you had the opportunity to cross-examine
7 Ms. Coleman on her affidavit. You've taken up that
8 opportunity, and you've, in fact, done a written
9 cross-examination of Ms. Coleman. And, you know, if
10 you say that what she has put in her sworn affidavit is
11 not true and accurate, I trust that you'll convince the
12 Court of that at the appropriate time.

13 OBJECTION TAKEN to answering questions on Exhibit V to the
14 Coleman affidavit

15 Q. MR. AARON: So, Mr. Jost, would you like an
16 opportunity to read this document before I ask you some
17 questions about it?

18 A. Possibly. Would it actually be all right to just take
19 a 1-minute bathroom break?

20 Q. Of course. Take as long as you need.

21 A. I should have done that while you guys were having your
22 conversation. Thanks. I'll be right back.

23 (ADJOURNMENT)

24 Q. MR. AARON: So I was asking you if you wanted
25 an opportunity to read this document before I ask you

1 some questions about what it says.

2 MR. MILLER: So, sir --

3 MR. AARON: Not its truth, Mr. Miller, just
4 what it says.

5 MR. MILLER: I understand that. But, again,
6 I've advised ahead of time that I'm going to require
7 for you to ask if they've seen this document before
8 today. And if they haven't, I'm not permitting
9 questioning on it so --

10 MR. AARON: Mr. Miller, whether he's seen it
11 is irrelevant because I'm not putting it in for the
12 truth of its content.

13 MR. MILLER: I understand that, but you're
14 asking to examine a witness about a document that
15 they've never seen, and that's not permissible. So
16 that's the thing, right? It has nothing to do with
17 him. Unless you point -- there has been examinations
18 to date where news articles have been brought up where
19 the witness that's being examined had been interviewed
20 in it or had been -- you know, video, et cetera.
21 That's fair game, and I haven't objected to those.

22 But this -- unless there's something -- unless he
23 identifies this document and says that he's seen it
24 before today, I'm objecting to questions being asked in
25 relation to it. You can then ask the questions. I

1 will object to them, each and every one, so that you
2 can apply to compel, if you like. But I'm not
3 permitting you to question -- I'm going to object to
4 any questions about this document until he's identified
5 it as having seen it before today.

6 MR. AARON: That's fine. So you don't want
7 him to read the document?

8 MR. MILLER: No.

9 Q. MR. AARON: Okay. So your counsel, Mr. Jost,
10 has instructed you not to read this document so --

11 MR. MILLER: No, you can ask him --

12 COURT REPORTER: One at time, please. Counsel, I
13 need you to be making your objections one at a time. I
14 just simply can't continue when you talk over one
15 another. Let each other talk, please.

16 MR. AARON: So I had said that Mr. Miller has
17 instructed the witness not to review this document, so
18 on that basis, I'm going to ask him some questions
19 about it.

20 MR. MILLER: So -- and, again, if you ask him
21 if he's seen the document prior to today, then I will
22 not object to it. I've told you this. So if that's
23 asked and it's identified and he says he's seen it
24 before today and then can speak to its contents, that's
25 fine. But you haven't done that.

1 MR. AARON: Ms. Brzezicki, if we can go back
2 up a little bit, please. No. I'm sorry. Go back to
3 where we were.

4 So, Mr. Miller, I'm going to ask my question, and
5 you've indicated you're going to object to it. So I'm
6 going to ask it, and then you can object, and we'll go
7 on, okay?

8 Q. MR. AARON: So, Mr. Jost, this document says
9 that: (as read)

10 A hotline for people to report hate
11 incidents is being set up in Ottawa as
12 the Canadian capital grapples with
13 ongoing protests over COVID-19 mandates
14 that police have led -- that police say
15 have led to reports of threatening,
16 illegal, and intimidating behaviour by
17 the demonstrators rattling downtown
18 residents and workers.

19 Did I read that correctly?

20 MR. MILLER: So objection on the grounds that
21 the witness has yet to identify having seen the
22 document prior to today, and a lay witness cannot
23 attest to the authority of the facts or opinions
24 expressed in the document, and the witness can only
25 testify that he's aware of the existence of the

1 document and to what extent he knows of its contents.
2 And that's R. and Keegstra [1994] Alberta Court of
3 Appeal 293, paragraphs 58 to 60.

4 MR. AARON: Mr. Miller, we're not arguing the
5 motion, so let's move on.

6 OBJECTION TAKEN to answering the question: Did I read that
7 correctly?

8 Q. MR. AARON: Mr. Jost, did you witness anything
9 that could be described as a hate incident while you
10 were at the protests?

11 A. Not at the protests, no.

12 Q. And were you aware that a hotline had been set up to
13 deal with hate incidents at the protest?

14 A. I vaguely remember hearing something about that.

15 Q. What did you hear about it?

16 A. That there was maybe a hotline put up.

17 Q. Do you remember who was creating the hotline?

18 A. No, I do not.

19 Q. And so once you became aware that there was a hotline
20 being created to report incidents of hate, what did you
21 do in response to that information?

22 A. Absolutely nothing.

23 Q. Did it cause you concern?

24 A. No.

25 Q. Okay. Further on in this document, it says: (as read)

1 "We already have a number of
2 hate-related incidents that we're
3 investigating," Ottawa Police Chief
4 Peter Sloly said at a video news
5 conference Monday announcing the
6 hotline.

7 Mr. Miller?

8 MR. MILLER: Objection. Same as before, R. and
9 Keegstra. The witness has not identified the document,
10 having seen it before today, when you put it to him.

11 MR. AARON: Well, Mr. Miller, I gave you the
12 floor because you had your hand up, but would it be
13 okay if I asked a question about it before you object?

14 MR. MILLER: Yeah. No, I don't have my hand up
15 for you. I have it up so the witness is aware that I'm
16 objecting so --

17 MR. AARON: Well, maybe -- maybe going
18 forward, you can put your hand up after I've asked a
19 question.

20 MR. MILLER: It's my practice to do it in
21 advance to make sure that if I anticipate an objection,
22 so that's -- and there's nothing wrong with that, and
23 particularly by Zoom because my witness is not
24 personally present. So, no, I'm not going to do that.
25 When I'm intending to do an objection, I'll have my

1 hand up. If my objection is withdrawn or I don't
2 intend to make it, I'll put my hand down and let the
3 witness answer the question. So go ahead.

4 MR. AARON: The reason I'm asking you not to
5 do that is because it delays things, and it prolongs
6 this cross-examination. And, you know, I'm concerned
7 we're already at 1 p.m. your time, and so I would like
8 to go ahead with my questions, get your objection, and
9 once a question has been asked, then we move on.

10 MR. MILLER: Right. Just when -- if you see my
11 hand go up, just continue to ask your question, all
12 right, and act like I'm not here.

13 MR. AARON: Okay.

14 Q. MR. AARON: So to recap, Mr. Jost, I read you
15 a quote from Ottawa Police Chief Peter Sloly who said
16 at a news conference, We already have a number of
17 hate-related incidents that we are investigating. Are
18 you aware of any hate-related incidents that were being
19 investigated by the Ottawa Police during the protest?

20 A. No, I am not aware of any, no.

21 Q. You didn't hear anyone at the protest talking about the
22 fact that the Ottawa Police were investigating
23 hate-related complaints?

24 A. No, I did not.

25 Q. You mentioned that you walked around the protest site

1 in downtown Ottawa when you were -- when you were at
2 the protests, and you said that it was approximately 35
3 square blocks. And so when you walked around that
4 35-square-block area in downtown Ottawa, you saw lots
5 of buildings, didn't you?

6 A. Yes, that's correct.

7 Q. And some of those buildings were residential buildings,
8 correct?

9 A. That's correct.

10 Q. And you saw condominium buildings?

11 A. That's correct.

12 Q. And you saw houses?

13 A. Residential buildings, yes.

14 Q. And you considered the fact that people lived in the
15 protest area?

16 A. Yes, I talked to several of those myself.

17 Q. Okay. And you thought about the fact that there were
18 likely young children living in the protest area,
19 correct?

20 A. Yes. I met some of them.

21 Q. And we saw your video earlier of the truck horns
22 blaring, and so you heard truck horns blaring while you
23 were at the protest in Ottawa?

24 A. Yes, I did, yeah.

25 Q. And you heard them during the day?

1 **A.** Yes.

2 **Q.** And you heard them -- I know you don't refer to it as
3 night, but after the sun had set?

4 **A.** I -- I was not there, again, in the night. I had only
5 spoken with locals who said it was quiet after 10 or
6 11.

7 **Q.** So you didn't experience any truck horns honking after
8 the sun went down?

9 **A.** That's not my statement. I said the sun goes down
10 around 5. I obviously heard horns from 5:00 to when I
11 would leave.

12 **Q.** Right. So just to clarify, I don't want there to be
13 any misunderstanding, you heard truck horns after there
14 was no longer sun in the sky?

15 **A.** Yes.

16 **Q.** Okay. And you saw with your own eyes truckers honking
17 their truck horns?

18 **A.** Yes.

19 **Q.** And they were very loud?

20 **A.** Yes.

21 **Q.** And, in fact, you described them as very, very loud,
22 correct?

23 **A.** Yes.

24 **Q.** And you said in the previous Facebook video that we
25 watched that that was one of the only things that the

1 mainstream media got right, was that the trucks were --
2 that the truck horns were very, very loud, correct?

3 A. That's correct.

4 Q. And did you yourself honk a truck horn?

5 A. No, I did not.

6 Q. And you saw fireworks being set off in the protest
7 area, correct?

8 A. Correct.

9 Q. And you saw fireworks being set off during the day?

10 A. I don't recall there being fireworks during the day,
11 no.

12 Q. Okay. So you saw fireworks being set off after there
13 was no longer a sun in the sky?

14 A. Yes.

15 Q. And those fireworks were loud?

16 A. They were fireworks.

17 Q. Well, are fireworks loud?

18 A. Not to me, but, yes, they can be.

19 Q. Okay. So you find fireworks to be quiet?

20 A. No.

21 Q. Okay. And the fireworks gave off a bright light,
22 correct?

23 A. Some of them, yes.

24 Q. And some of the fireworks didn't give off a bright
25 light?

1 **A.** Well, some of them are, like, little -- little
2 firecrackers, right, like not a whole lot of light.

3 **Q.** Okay. And the fireworks were set off in close
4 proximity to buildings?

5 **A.** Can you clarify "close proximity"?

6 **Q.** Near a building?

7 **A.** I would not describe it as near a building.

8 MR. AARON: So let's -- let's pull up the
9 video, Ms. Brzezicki. It's a 16-second video that --
10 let's just wait until it comes up on the screen.

11 MR. BRZEZICKI: Just let me know when it's up for
12 you guys. Thank you.

13 MR. AARON: All we're seeing on the screen is
14 your name, and it says you've started screen sharing,
15 but we're not seeing a video. Do you want to cancel
16 it, Ms. Brzezicki, and then try it again? Maybe what
17 we'll do is go off the record and try to sort this out
18 and --

19 COURT REPORTER: Mr. Aaron, you're cutting out
20 again.

21 MR. AARON: We're going to have to take --

22 MR. MILLER: So, Mr. Aaron, you're starting to
23 go wanky on my side, and when I've had this happen on
24 Zoom court and stuff, it's best to just log in once and
25 log out. You're going all -- at least on my end,

1 you're coming up as little snippets.

2 MR. AARON: Okay. So you're saying when I'm
3 going -- you mean the audio?

4 MR. MILLER: Audio and you freeze.

5 MR. AARON: Okay. So why don't we go off the
6 record? And both Ms. Brzezicki and I will log off and
7 log back on and see if that fixes things.

8 MR. MILLER: Sounds good.

9 (ADJOURNMENT)

10 **Q.** MR. AARON: So let me play this video, and
11 then I'll make sure that we establish what it is, but I
12 want you to see it first because it's only 16 seconds.

13 (VIDEO CLIP PLAYED)

14 MR. BRZEZICKI: That was it.

15 MR. AARON: Okay. We're still seeing a video,
16 for some reason, but not the audio. I think they're a
17 bit off sync.

18 MR. BRZEZICKI: Should I try reloading?

19 MR. AARON: You can stop this video at this
20 point.

21 MR. BRZEZICKI: Okay.

22 **Q.** MR. AARON: So just before I ask you
23 questions -- just because madam court reporter reminded
24 me that I need to describe this. And so what was just
25 put on the screen was a video that appeared to show

1 some lights in a dark sky, and now I'm going to ask
2 some questions about it so we can establish what that
3 was. And so, Mr. Jost, have you seen this video
4 before?

5 **A.** Yes, I have.

6 **Q.** Did you take this video yourself?

7 **A.** Yes, I did.

8 **Q.** And you took this video while you were part of the
9 protests in Ottawa?

10 **A.** Yes, while observing, yes.

11 **Q.** And you took this protest while you were standing on
12 Parliament Hill?

13 MR. MILLER: And you said "you took this
14 protest."

15 MR. AARON: I apologize if I misspoke. We're
16 getting late in the day, which is not an excuse.

17 **Q.** MR. AARON: Sorry. So if I misspoke, what I
18 meant to say was you took this video while you were
19 standing on Parliament Hill; is that correct?

20 **A.** Yes.

21 **Q.** You posted this video to your Facebook page, correct?

22 **A.** Yes, that's correct.

23 **Q.** Okay. And this video shows fireworks being set off in
24 front of the Parliament buildings, correct?

25 **A.** Correct.

1 Q. And it shows multiple fireworks being set off in front
2 of the Parliament buildings?

3 A. That's correct.

4 Q. And those fireworks are being set off from the crowd of
5 protesters that are standing on Parliament Hill,
6 correct?

7 A. An individual is somewhere on Parliament Hill setting
8 them off, correct.

9 Q. And that individual was part of the protest, I take it?

10 A. I'm assuming so. I don't know. I never spoke to him.

11 Q. That's fair. And so you could see that these fireworks
12 were bright? These were some of the ones you would
13 describe as bright, correct?

14 A. Correct. Yes.

15 Q. And you could hear at least one of them that was loud,
16 correct?

17 A. Yes. Yes.

18 Q. And you can see the Parliament buildings in the
19 background?

20 A. That's correct.

21 MR. AARON: Mr. Miller, I would like to mark
22 this video as the next exhibit to this
23 cross-examination, Exhibit 3.

24 MR. MILLER: Full Exhibit 3? Yeah, no
25 objection.

1 EXHIBIT 3 - A video depicting fireworks
2 going off in front of the Parliament
3 buildings

4 **Q.** MR. AARON: Now, Mr. Jost, sorry if I miss
5 your -- it's Jost, right?

6 **A.** Jost, it's a long "O."

7 **Q.** Yeah, if I'm mispronouncing it, I hope you'll take my
8 word that it is not intentional.

9 **A.** No worries.

10 **Q.** Okay. So these fireworks that you experienced while
11 you were at the protest, did you also see them being
12 set off near other buildings in the protest zone?

13 **A.** To the best of my recollection, they were, I believe,
14 all set off on Parliament Hill, whether that be as far
15 back as on the street or on Parliament Hill, to the
16 best of my recollection.

17 **Q.** Okay. So some of the fireworks were set off on
18 Wellington Street in front of Parliament Hill?

19 **A.** That's a possibility. Again, I don't remember. I
20 never -- never filmed it and wasn't there the entire
21 time.

22 **Q.** Okay. And you'd agree with me that some of the
23 residential buildings that you -- you said you saw
24 earlier were near Parliament Hill?

25 **A.** Yes.

1 Q. And so you'd agree with me that setting off these
2 fireworks would be disruptive to the citizens of
3 downtown Ottawa?

4 MR. MILLER: Well, objection. You're asking
5 him to give evidence as to the mind of another, so it's
6 speculation. So objection on that basis.

7 OBJECTION TAKEN to answering the question: And so you'd
8 agree with me that setting off these fireworks would be
9 disruptive to the citizens of downtown Ottawa?

10 Q. MR. AARON: Mr. Jost, would you find it
11 difficult to fall asleep when fireworks were being set
12 off outside your window?

13 A. Possibly, yes.

14 Q. Okay. And would you find it difficult to fall asleep
15 if there was an 18-wheeler honking its horn incessantly
16 outside your window?

17 A. Yes.

18 Q. That would harm your ability to sleep?

19 A. Yes.

20 Q. And you agree with me that sleep is important to our
21 well-being?

22 A. Yes, I would agree with you.

23 Q. Do you agree with me that having horns honking outside
24 your window and fireworks being set off outside your
25 window is detrimental to a person's well-being?

1 MR. MILLER: Well, again, speculation --

2 MR. AARON: I'll rephrase the question.

3 OBJECTION TAKEN to answering the question: Do you agree
4 with me that having horns honking outside your window
5 and fireworks being set off outside your window is
6 detrimental to a person's well being?

7 Q. MR. AARON: You'll agree with me that having
8 fireworks set off outside your window and having
9 18-wheelers honking their horns incessantly outside
10 your window would be detrimental to your health?

11 A. Yes, that's correct.

12 Q. It would impact your ability to concentrate?

13 A. Possibly.

14 Q. You knew that these actions were inflicting mental
15 distress on residents of downtown Ottawa, correct?

16 A. That's incorrect.

17 Q. Let's go to Exhibit S of the Coleman affidavit, please.

18 COURT REPORTER: That was S as in "Sam"?

19 MR. AARON: S as in "Sam." Sorry,

20 Ms. Brzezicki -- oh, there we go.

21 MR. BRZEZICKI: Sorry. I was just having a
22 problem loading it --

23 MR. AARON: Take your time.

24 Q. MR. AARON: So I'm putting in front of you a
25 document that has a logo in the upper left-hand corner

1 with the letters "CTV" and then the word "News." Do
2 you see that?

3 A. Yes, I see it.

4 Q. And you see the word "Ottawa" under that?

5 A. Yes.

6 Q. And then there's some words in bold that say, "Downtown
7 Ottawa residents describe stress and anxiety of living
8 with ongoing trucker protest." Do you see that --

9 MR. MILLER: So --

10 MR. AARON: Let me just ask the question,
11 please.

12 Q. MR. AARON: Do you see those words?

13 A. Yes --

14 MR. MILLER: Objection.

15 Q. MR. AARON: Now --

16 MR. MILLER: Objection. Again, if you ask him
17 if he's seen the document before today, if he says
18 "yes," you're welcome to question him about it. If he
19 says "no," then, again, on the objection that I have
20 raised earlier, we object to you asking questions with
21 respect to this news article.

22 MR. AARON: All I asked him is whether those
23 words appear on the page. You object to that?

24 MR. MILLER: Yeah, but you have not asked him
25 yet whether or not he has seen the document before

1 today, which I've explained many times now that I am
2 not going to permit questioning with respect to
3 documents that he hasn't seen before so...

4 MR. AARON: That's fine. That's fine in the
5 sense that I -- I take -- I understand you're making an
6 objection. Not that's fine in the sense that I agree
7 with it.

8 MR. MILLER: Totally.

9 OBJECTION TAKEN to answering questions on Exhibit S of the
10 Coleman affidavit

11 MR. AARON: Can we scroll down, please? Stop
12 right there, please.

13 Q. MR. AARON: Do you see on this page, there's a
14 picture of a woman?

15 MR. MILLER: Again, objection.

16 MR. AARON: There's an objection. Go ahead.

17 MR. MILLER: So, again, until this witness is
18 asked if he's seen this document prior to you putting
19 it to him right now, I'm not permitting you to ask
20 questions with respect to the document.

21 MR. AARON: Okay. Well, and, again, for the
22 record, I disagree with your objection. It's my view
23 that whether this witness has seen the document is
24 irrelevant because I'm not putting it to him for the
25 truth of its contents. So I am going to continue to

1 ask my questions, and I understand that you will
2 continue to object.

3 MR. MILLER: Okay.

4 OBJECTION TAKEN to answering the question: Do you see on
5 this page, there's a picture of a woman?

6 Q. MR. AARON: So the author of this document is
7 Leah Larocque?

8 MR. MILLER: Again, objection. Same ground.

9 OBJECTION TAKEN to answering the question: So the author
10 of this document is Leah Larocque?

11 Q. MR. AARON: And this document, according to
12 what you see in front of you, is published January 31,
13 2022, at 6:59 p.m. EST. That's what it says on the
14 document, Mr. Jost?

15 MR. MILLER: Again, objecting on the same
16 ground.

17 OBJECTION TAKEN to answering the question: And this
18 document, according to what you see in front of you, is
19 published January 31, 2022, at 6:59 p.m. EST. That's
20 what it says on the document, Mr. Jost?

21 Q. MR. AARON: If we scroll down, please. Okay.
22 Stop right there for a sec. Okay. You see there's a
23 heading on this document. You scroll down and it says,
24 "Stress and anxiety for downtown residents"?

25 MR. MILLER: Again, objection, same grounds.

1 OBJECTION TAKEN to answering the question: You scroll down
2 and it says, "Stress and anxiety for downtown
3 residents"?

4 Q. MR. AARON: And the document says: (as read)
5 Residents who live in Centretown
6 describe the past four days as extremely
7 loud, frustrating, and stressful. Sarah
8 Mack lives in Centretown has said -- has
9 says

10 -- there's a typo in the article --

11 It has been constant gridlock outside
12 her apartment all weekend and into
13 Monday. She says she has trouble
14 concentrating and working from home.
15 "It has been nothing short of a
16 nightmare. They were setting off
17 fireworks all throughout the night. It
18 was getting dangerously close to my
19 window."

20 Do you see those words?

21 MR. MILLER: So objection again, same ground,
22 but adding the ground that Ms. Sarah Mack has not given
23 evidence in this proceeding.

24 OBJECTION TAKEN to answering the question: Do you see
25 those words?

1 **Q.** MR. AARON: Well, that was going to be my next
2 question. Mr. Jost, did you meet Ms. Mack while you
3 were at the protests in Ottawa?

4 MR. MILLER: Okay. So can you rephrase with
5 her full name?

6 **Q.** MR. AARON: Did you -- Mr. Jost, did you meet
7 Ms. Sarah Mack, who lives in Centretown, Ottawa, while
8 you were at the protests?

9 **A.** No, I did not.

10 **Q.** So did you observe or experience any of the things that
11 I've just read to you during your time at the protest?

12 MR. MILLER: Answer the question, Mr. Jost.

13 **A.** No, I did not. I did not. And just to clarify the
14 question, when you say do I -- did I observe, are you
15 talking about fireworks, or are you talking about
16 people with -- claiming it was a nightmare?

17 **Q.** MR. AARON: All of it.

18 **A.** Well, I stated prior I did witness fireworks. The --
19 the only locals that I had talked to were actually
20 watching the protest, and they said they had no problem
21 sleeping.

22 MR. AARON: Okay. If we scroll down a little
23 bit, please. Okay. Sorry. Stop, stop, stop. Go up a
24 little bit. I apologize, Ms. Brzezicki. It's
25 difficult to do this this way, but scroll down a little

1 bit more. Keep going. Keep going down. Keep going,
2 please. Next page. We're going to have to go back to
3 the beginning of this article and start scrolling
4 again, please, Ms. Brzezicki. Start scrolling down,
5 please.

6 MR. BRZEZICKI: That's page 2.

7 MR. AARON: Wait, wait, wait. I see -- hang
8 on a second here. Scroll up, please, Ms. Brzezicki.
9 Keep going up, please. Keep going up, please.

10 MR. BRZEZICKI: That's the first page.

11 MR. AARON: I just want to -- I want to be
12 clear as to which exhibit this is because I -- I'm not
13 sure -- we should be talking about Exhibit S to the
14 Coleman affidavit, S as in "Sam." Is that what this
15 is?

16 MR. BRZEZICKI: That's correct, yes.

17 MR. AARON: Okay. Stop there for a second,
18 please. Next page. Sorry. Next page down,
19 Ms. Brzezicki. Next page. Scroll down, please. Keep
20 going down, please. Keep going down.

21 MS. BRZEZICKI: We're on to the next exhibit.

22 Q. MR. AARON: All right. I apologize, Mr. Jost,
23 for the delay. We'll just move on to the next -- the
24 next item.

25 MR. AARON: So if we can go to Exhibit X, X as

1 in "xylophone," I guess, to the Coleman affidavit,
2 please.

3 MR. BRZEZICKI: Here we are.

4 MR. AARON: And scroll down, please, to the
5 first page.

6 Q. MR. AARON: I'm sorry, Mr. Jost. There's a
7 delay in the scrolling and what we're actually seeing
8 on the screen. This is just unfortunately the
9 territory when you're dealing with Zoom and all the
10 bandwidth, so I'm sorry for the delay.

11 A. No worries. I understand.

12 MR. AARON: Okay. So up a little bit higher,
13 please. I know you're doing it, Ms. Brzezicki. We're
14 just not seeing it go up a little bit higher.

15 MR. BRZEZICKI: Is that better? I'm just going
16 to -- that's the whole page.

17 MR. AARON: There's not a heading with the
18 news -- there we go.

19 MS. BRZEZICKI: It's at the top.

20 Q. MR. AARON: Okay. Can you see this document
21 with the word "CTV News" on the top, Mr. Jost?

22 A. Yes, I see it.

23 Q. And the word "Ottawa" underneath?

24 A. Yes.

25 Q. And the title says, "Some residents in downtown Ottawa

1 standing up to the trucker convoy." Do you see those
2 words?

3 MR. MILLER: Objection on the same grounds as
4 previously.

5 OBJECTION TAKEN to answering the question: And the title
6 says, "Some residents in downtown Ottawa standing up to
7 the trucker convoy." Do you see those words?

8 Q. MR. AARON: This document says on it the
9 words, "Published February 1st, 2020, 5:56 p.m. Eastern
10 Standard Time." Do you see those words on this
11 document, Mr. Jost?

12 MR. MILLER: Again, objection. Same grounds
13 previously.

14 MR. AARON: Okay. Thank you.

15 OBJECTION TAKEN to answering the question: This document
16 says on it the words, "Published February 1st, 2020,
17 5:56 p.m. Eastern Standard Time." Do you see those
18 words on this document, Mr. Jost?

19 Q. MR. AARON: Now, Mr. Jost, this article quotes
20 a downtown Ottawa resident on Metcalfe Street who says
21 that seniors in the area are not able to have their
22 prescriptions dropped off because delivery vehicles
23 can't get around the trucks regardless of whether or
24 not you accept that the document says this. Based on
25 your own experiences in the protest, you would agree

1 with me that it would have been difficult for seniors
2 living in the protest zone to get access to their
3 prescriptions?

4 MR. MILLER: Speculation. He doesn't have the
5 ability to speak to the -- what happened with others as
6 well.

7 OBJECTION TAKEN to answering the question: Based on your
8 own experiences in the protest, you would agree with me
9 that it would have been difficult for seniors living in
10 the protest zone to get access to their prescriptions?

11 Q. MR. AARON: Mr. Jost, is there anything that
12 you observed while you were participating in the
13 protest in Ottawa that would give you a reason to
14 believe that seniors would have a difficulty accessing
15 their prescription medications if they lived in the
16 protest zone?

17 A. I disagree. I personally witnessed first responders
18 travel through on the map where they were calling it
19 blockades. Vehicles were pulling aside, always making
20 room for first responders. So I -- personally, from my
21 experiences, I disagree with that claim.

22 Q. And did you see those first responders delivering
23 prescription medication to residents of downtown
24 Ottawa?

25 A. No, I did not.

1 **Q.** And did you see any prescription delivery vehicles
2 going through those avenues you've just described to
3 deliver medication to residents of downtown Ottawa?

4 **A.** Not that I'm aware of.

5 MR. AARON: Okay. If we could go to Exhibit W
6 of the Coleman affidavit, please.

7 MR. BRZEZICKI: Can you see it?

8 MR. AARON: No. Well -- no.

9 MR. BRZEZICKI: I'm going to stop sharing --

10 MR. AARON: There we are. There we are.

11 MR. BRZEZICKI: There's a bit of a delay, then.
12 Okay. Sorry.

13 MR. AARON: So, Mr. Miller, in an effort to
14 speed things up because you know I'm going to read
15 this, I know you're going to object to it, I want to
16 get my question on the record. You'll get your
17 objection. I'm just going to read every -- everything
18 at once, and then we'll let you do your objection at
19 the end, okay?

20 MR. MILLER: Yeah, go ahead.

21 **Q.** MR. AARON: So this is a document, Mr. Jost,
22 that, on the top of it, says "Ottawa Citizen," and it
23 has a heading that says, "Ambulance is pelted with
24 rocks during protest; health workers, patients face
25 added stress, delays." It was written by Ottawa

1 Citizen journalist Elizabeth Payne and published on
2 February 1, 2022. And the article says that: (as read)
3 Paramedics asked for police escorts over
4 the weekend after at least two
5 ambulances were pelted with rocks and
6 protesters who appeared to be part of
7 the truck convoy yelled racial slurs at
8 one paramedic when he got out to check
9 for damage.

10 Do you see those words, Mr. Jost?

11 MR. MILLER: Objection.

12 OBJECTION TAKEN to answering the question: Do you see
13 those words, Mr. Jost?

14 Q. MR. AARON: In your experience at the
15 protests, did you yourself witness any paramedics being
16 prevented from accessing any part of downtown Ottawa?

17 A. No, I did not. And being a first responder myself,
18 it's something I'm always aware of. And like I said,
19 on the contrary, I witnessed two ambulances. One of
20 them, I followed a little ways until it got to its
21 destination, and everyone moved out of the way and
22 respected it. There was people on the streets yelling
23 at vehicles, saying, "Hey, move aside. There's an
24 ambulance behind you." It seemed like there was --
25 people were rallying together to make sure the first

1 responder vehicles made it through, from my
2 experiences.

3 Q. Okay. And so if I heard you correctly -- correct me if
4 I'm wrong, but did you say you saw two ambulances that
5 were able to get through?

6 A. I saw two ambulances on separate occasions, so a total
7 of two ambulances.

8 Q. Okay. And you didn't hear any racial slurs being made
9 to paramedics?

10 A. No, absolutely not.

11 Q. And you can't speak to what was happening to paramedics
12 who were accessing the protest zone that you didn't
13 see?

14 A. No, I cannot.

15 Q. Thank you. Let's go to the next exhibit. It's Exhibit
16 HH, H as in "Harry," so HH to the Coleman affidavit.

17 MR. BRZEZICKI: One second, please. I'm just
18 pulling it up.

19 MR. AARON: Take your time.

20 MR. BRZEZICKI: It should be loading shortly.

21 MR. AARON: Thank you. That's Exhibit H,
22 single H, and we're looking for double H.

23 MR. BRZEZICKI: Sorry. One second. It's just
24 loading now.

25 MR. AARON: There it is.

1 Q. MR. AARON: Okay. So I'm going to read the
2 whole thing, and then I will stop for Mr. Miller. So
3 this is a document that --

4 MR. AARON: Can you zoom in a little bit,
5 please, Ms. Brzezicki?

6 Q. MR. AARON: Okay. So in the upper left-hand
7 corner, it says "APTN News," and the "APTN" is in a
8 blue box with a logo of a tree over it. The title of
9 this is -- I'm going to spell it.

10 MR. AARON: Okay. That's perfect. No, no
11 more need to zoom in. If you could actually zoom out a
12 little bit, please.

13 MR. BRZEZICKI: Is that okay?

14 MR. AARON: That's perfect.

15 Q. MR. AARON: The title says, and I'm going to
16 spell this, T-U-N-G-A-S-U-V-V-I-N-G-A-T. Then the next
17 word is "Inuit." It says, "Truckers protest in Ottawa
18 causing anxiety and increased fear. Published February
19 3, 2022." Do you see these words, Mr. Jost?

20 MR. MILLER: Objection until he identifies the
21 document as having seen it before today.

22 OBJECTION TAKEN to answering the question: It says,
23 "Truckers protest in Ottawa causing anxiety and
24 increased fear. Published February 3, 2022." Do you
25 see these words, Mr. Jost?

1 **Q.** MR. AARON: In your experience at the
2 protests, Mr. Jost, did you see anything that would
3 have introduced anxiety or fear for Indigenous members
4 of the Ottawa community?

5 MR. MILLER: Well, that's -- he's not an
6 Indigenous member of the Ottawa community, so I don't
7 think he can speak to the minds of another.

8 MR. AARON: Well, can we ask him and see if he
9 can speak to it?

10 MR. MILLER: You could ask him the general
11 question of whether he saw anything that would increase
12 anxiety or fear, but I don't think he can speak to --
13 if he's not a member of that Inuit community or First
14 Nations community, I don't think he can speak to how
15 they felt.

16 **A.** Can I answer --

17 **Q.** MR. AARON: That's up to your lawyer.

18 MR. MILLER: Well, if you ask a question about
19 whether he saw something that he thinks would instill
20 anxiety and fear, I think he can answer the question.
21 But he can't speak to what a member of the Inuit
22 community in Ottawa would feel because he's not a
23 member of the Inuit community in Ottawa.

24 **Q.** MR. AARON: Okay. Well, so that was my
25 question. So I don't want to speak for your lawyer,

1 Mr. Jost, but I understand that he's saying you can't
2 answer the question.

3 MR. AARON: Is that correct, Mr. Miller?

4 MR. MILLER: Yeah, if it's rephrased about what
5 he --

6 MR. AARON: No, it's not rephrased.

7 MR. MILLER: Okay.

8 MR. AARON: It's not rephrased.

9 MR. MILLER: Okay.

10 OBJECTION TAKEN to answering the question: In your
11 experience at the protests, Mr. Jost, did you see
12 anything that would have introduced anxiety or fear for
13 Indigenous members of the Ottawa community?

14 MR. AARON: Okay. The next item I would like
15 to put up is a CTV article entitled "We feel we are
16 collateral damage." Could you put that up, please,
17 Ms. Brzezicki?

18 MR. BRZEZICKI: Yeah, one second.

19 MR. AARON: Sure.

20 MR. BRZEZICKI: It's loading now.

21 Q. MR. AARON: All right. This is a document in
22 front of you that is a -- sorry. I'll wait for
23 Ms. Brzezicki to --

24 MR. AARON: Can you scroll down so we can see
25 the logo of the news organization? Okay. At the top

1 of this document -- sorry. There's a delay. Okay.
2 The way you had it was good. We could see the logo and
3 the words. So can you zoom in on the logo a little bit
4 so we can see it?

5 **Q.** MR. AARON: All right. The upper left-hand
6 corner of this document has a CTV News logo, and it
7 says "Ottawa" underneath. The title is "We feel like
8 we are collateral damage." In quotes, "Residents
9 living with disability fear homecare won't come out due
10 to protests." Do you see these words, Mr. Jost?

11 MR. MILLER: Again, objection on the grounds
12 that he hasn't confirmed he's seen the document prior
13 to you putting it to him.

14 OBJECTION TAKEN to answering the question: "Residents
15 living with disability fear homecare won't come out due
16 to protests." Do you see these words, Mr. Jost?

17 **Q.** MR. AARON: The article says: (as read)
18 "We require attendant care for
19 activities of daily living, getting up,
20 getting bathed, eating, assistance with
21 other activities you do during the day,
22 getting into bed. If nobody comes in,
23 you can't do any of that," McGrath says.
24 But he says that care has been
25 unreliable because workers can't get to

1 them because of the protests.

2 Do you see those words?

3 MR. MILLER: Objection on the same grounds as
4 previously, and that gentleman hasn't given an
5 affidavit in this proceeding.

6 OBJECTION TAKEN to answering the question: Do you see
7 those words?

8 Q. MR. AARON: The article then says: (as read)
9 They say that nearly half the staff who
10 work at McGrath's residence live in
11 Gatineau and couldn't drive downtown,
12 many forced to walk, meaning care was
13 delayed. They were en route, they were
14 walking over the bridge, and they were
15 walking for over an hour to get to work.

16 Do you see those words?

17 MR. MILLER: Again, objection on the same
18 reasons.

19 OBJECTION TAKEN to answering the question: Do you see
20 those words?

21 Q. MR. AARON: Did you witness anything,
22 Mr. Jost, during your time at the protest that would
23 indicate -- let me rephrase that. During your time at
24 the protest, did you see any health care workers
25 walking over the interprovincial bridge to get into

1 Ottawa?

2 A. I -- I -- it's wintertime. Everyone is wearing full
3 coats. So did I see scrubs? No. But I saw lots of
4 people working. Again, that would be speculating.

5 Q. Okay. Thank you.

6 MR. AARON: Let's go to Exhibit CCC, so triple
7 C as in "Colin." So let's scroll down in this exhibit,
8 please, past this Ottawa Police Service document.
9 We're looking for the court order that's within this
10 exhibit.

11 MR. BRZEZICKI: I think it's loading. I have it
12 up, so it might take a couple of seconds.

13 MR. AARON: Thank you. Okay. Stop right
14 there, please.

15 Q. MR. AARON: So I'm putting in front of you a
16 document that has a stamp on the upper left-hand corner
17 in red ink that says "Ontario" and then "Superior Court
18 of Justice, Court File No. C," as in "Chris," V, as in
19 "Victor," 22-00088514-00C, as in "Chris," P, as in
20 "Peter." And it says the "Honourable Mr. Justice
21 McLean," and the date is Monday, the 7th day of
22 February, 2022. The plaintiff is identified as Zexi
23 Li, Z-E-X-I; next word, Li, L-I. And the respondents
24 are a number of names, including Chris Barber, Benjamin
25 Dichter, Tamara Lich, Patrick King, and 60, six, zero,

1 John Does listed as defendants, responding parties. Do
2 you see that, Mr. Jost?

3 A. Yes, I do.

4 Q. And this is an order -- would you like to take a minute
5 to look at the order before I ask you questions about
6 it?

7 A. Sure. Just a second.

8 Q. Take your time. Take as long as you need. Can you
9 just tell Ms. Brzezicki when you want her to scroll
10 down?

11 A. I think I'm -- I think I'm good. You can go ahead and
12 ask questions about the document.

13 Q. Okay. So this order grants an injunction to stop the
14 incessant honking and noise that was created by the
15 protests, correct?

16 A. Yes, it appears so.

17 Q. And have you seen this document before?

18 A. No, I have not.

19 Q. While you were participating in the protests, did you
20 become aware of this injunction?

21 A. Yes, I did.

22 Q. When did you become aware of it?

23 A. Probably the day it was published.

24 Q. So that would be the 7th day of February, 2022?

25 A. Yes.

1 **Q.** And after this date, did you see any protesters who
2 were not complying with this injunction to stop the
3 honking?

4 **A.** I saw a couple people with, like, handheld horns, like
5 little ones that you put on a bicycle, like a little --
6 more of a squeaky toy as more of a joke. But for the
7 most part, no, I -- it was -- it was quiet. There was
8 maybe the odd horn here and there that could have just
9 been regular traffic.

10 **Q.** Well, okay. A couple of questions in response to that.
11 First of all, you would agree with me that the handheld
12 horn that you said was a joke may not have been
13 perceived as a joke by residents living in the protest
14 area?

15 MR. MILLER: Again, you're asking a question to
16 ask -- to state something as the mind of another, and
17 it's speculation.

18 OBJECTION TAKEN to answering the question: First of all,
19 you would agree with me that the handheld horn that you
20 said was a joke may not have been perceived as a joke
21 by residents living in the protest area?

22 **Q.** MR. AARON: You agree with me that if horns
23 were blasting outside of your window incessantly and
24 fireworks are being set off incessantly outside your
25 window and then they stop but you, instead, heard

1 handheld horns, you wouldn't have found that funny,
2 Mr. Jost?

3 A. I can't speak towards whether they heard them or not.
4 They weren't very loud.

5 Q. I'm asking -- I'm asking you, In that scenario, would
6 you have found that funny?

7 A. To be honest, I don't know. I don't have an opinion of
8 whether I would or I wouldn't. I don't think I would
9 care.

10 Q. Okay. When you saw -- so the second follow-up
11 question: You said that some of the horns that were --
12 you heard the odd time after the injunction -- you said
13 those would have been from -- those could have been
14 from traffic, correct?

15 A. Correct.

16 Q. Okay. But those 35 blocks that you identified earlier
17 were blockaded by trucks, correct?

18 A. No, incorrect.

19 Q. They weren't. Okay. So traffic was able to drive
20 along Wellington Street?

21 A. Yes, especially on weekends when the number of
22 protesters quadrupled or, you know --

23 Q. So you -- so you saw citizens -- while you were at the
24 protest on Wellington Street, you saw lots of citizens
25 of Ottawa driving their vehicles up and down Wellington

1 Street?

2 A. A little section of Wellington Street. Obviously a lot
3 of -- a lot of it was mostly blocked off and only
4 accessible to emergency vehicles. But on the east --
5 eastern part of Wellington, there was a section -- I
6 believe it's a roundabout that vehicles could drive up
7 and around and kind of loop around, and that is where I
8 for sure personally witnessed horns from regular
9 traffic.

10 Q. Okay. Did you -- did you see citizens of Ottawa
11 driving their cars up and down Wellington Street in
12 front of the Parliament buildings?

13 A. I can't say whether they were. It would be speculating
14 whether they were citizens or not.

15 Q. But you saw lots of private vehicles driving up and
16 down Wellington Street in front of the Parliament
17 buildings during the course of the protests?

18 A. No, I did not. As I stated before, just the one
19 section of Wellington that is just east of Parliament
20 Hill, there was a clearing there.

21 Q. Okay. When you saw those people who were honking the
22 handheld horns which you say they were doing as a joke,
23 you would agree with me that that was still a violation
24 of the injunction, correct?

25 MR. MILLER: Well, you're asking him whether or

1 not an order has been violated. It's a question of
2 law.

3 MR. AARON: Okay.

4 OBJECTION TAKEN to answering the question: When you saw
5 those people who were honking the handheld horns which
6 you say they were doing as a joke, you would agree with
7 me that that was still a violation of the injunction,
8 correct?

9 Q. MR. AARON: The injunction prohibited the
10 honking of horns. Mr. Justice McLean's order that I
11 just provided to you and that I gave you an opportunity
12 to read, it prohibited the honking of horns, correct?

13 MR. MILLER: I think with respect, the
14 document -- you're speaking to a legal document. It's
15 the equivalent of asking about legislation. So it says
16 what it says. I don't think it's appropriate for him
17 to --

18 MR. AARON: All right. Fine. So it says what
19 it says, and it says that there shall not be honking of
20 horns for the next 10 days because an interim
21 injunction was in effect, and Mr. Jost told me that he
22 was aware of that injunction so --

23 MR. MILLER: Yeah -- oh, sorry. I thought you
24 were talking to me. Go ahead.

25 OBJECTION TAKEN to answering the question: Mr. Justice

1 McLean's order that I just provided to you and that I
2 gave you an opportunity to read, it prohibited the
3 honking of horns, correct?

4 Q. MR. AARON: So, Mr. Jost, you're aware that
5 when you heard handheld horns being blasted after
6 Mr. Justice McLean's injunction was in effect, that
7 that was prohibited by an order of the Court?

8 MR. MILLER: Objection again. You're -- you're
9 not specifying 'cause -- and it's not fair. It's air
10 horns and train horns, so you can ask him --

11 MR. AARON: No, I said handheld horns. If I
12 didn't, I apologize.

13 Q. MR. AARON: Mr. Jost, when you heard handheld
14 horns that you said were a joke being blasted after
15 Mr. Justice McLean's injunction order came into effect,
16 you were aware that those handheld horns were violating
17 the injunction order, correct?

18 MR. MILLER: Well, it --

19 A. Can I answer that?

20 MR. MILLER: It's not what it says. That's the
21 issue, but I get -- go ahead. Go ahead. I'm just
22 being technical. It's too much. Answer the question.

23 A. I can't fully answer the question because you stated
24 that the horns were blasted. I personally -- the horns
25 weren't blasted. They're little handheld toys, so no

1 to that question.

2 **Q.** MR. AARON: Okay. Let me rephrase the
3 question. You would agree that these handheld horns
4 that were emitting noise, a honking noise, after
5 Mr. Justice McLean's injunction came into effect
6 violated that injunction?

7 MR. MILLER: Again, you can't -- you're asking
8 him whether or not, like, an offence was committed.
9 It's like saying, Do you agree that Section 127 of the
10 Criminal Code was violated? That's what you're asking
11 because that's --

12 OBJECTION TAKEN to answering the question: You would agree
13 that these handheld horns that were emitting noise, a
14 honking noise, after Mr. Justice McLean's injunction
15 came into effect violated that injunction?

16 **Q.** MR. AARON: You would agree with me, Mr. Jost,
17 that Mr. Justice McLean prohibited the honking of horns
18 in the protest area for 10 days from the date of his
19 order on February 7th, 2022, that you just read?

20 MR. MILLER: Well, that's not -- you're not
21 being fair. It says it prohibits the use of air horns
22 and train horns.

23 MR. AARON: Okay. So, Mr. Jost, the handheld
24 horn that you're referring to was an air horn, correct?

25 **A.** No.

1 **Q.** So what was the handheld horn?

2 **A.** If you can picture a little kid's bicycle, and it's
3 like a little trumpet, and then there's almost, like, a
4 little rubber ball on the tip of it. You squeeze the
5 rubber ball, and it makes a rubber ducky squeak.

6 **Q.** And did it emit -- did it emit a noise?

7 **A.** Yeah, it squeaked like a duck.

8 **Q.** I'm sorry?

9 **A.** It squeaks like a rubber ducky, if you've ever stepped
10 on one.

11 **Q.** And it does so by squeezing it, correct?

12 **A.** Yes.

13 **Q.** And that noise is the result of air being pushed out of
14 the horn, correct?

15 **A.** That's correct.

16 **Q.** Okay. So, again, Mr. Justice McLean has issued an
17 injunction that's in front of you. You're welcome to
18 read it if you want. It prohibits, restrains, and
19 enjoins people from using air horns or train horns in
20 the protest area. You would agree with me that the
21 horn that you described as a joke was an air horn?

22 **A.** I would actually not agree with that because, to my
23 understanding, the court order was -- clarified that
24 it's motor vehicle's horns, and I witnessed police not
25 confronting or saying that --

1 **Q.** I didn't ask you -- sir, I didn't ask you about the
2 police. You don't need to go there unless I ask you
3 about it. Tell me where in this order, then, you -- on
4 what basis you say it was just about vehicles? Look at
5 paragraph 2 that references the air horns and train
6 horns. Where does it make reference to motor vehicles?

7 **MR. MILLER:** Again, you know, the order says
8 what it says. You can ask him what he observed. You
9 can ask him, you know, what --

10 **MR. AARON:** Mr. Miller, I'm just showing him a
11 piece of paper, and I'm asking him if the word "motor
12 vehicle" appears on it.

13 **Q.** **MR. AARON:** Okay. So there's a document in
14 front of you that you've identified as Mr. Justice
15 McLean's injunction order, and I'm showing you page 2
16 of it, and I'm asking you, Where on this injunction
17 order do you see that it says the honking of horns is
18 prohibited but only with respect to motor vehicle
19 horns?

20 **A.** I would need to see the whole document. Could we go to
21 the top of the document?

22 **Q.** Absolutely. Take your time.

23 **MR. BRZEZICKI:** I just went to page 1. Let me
24 know when you want me to scroll back down to page 2.

25 **MR. MILLER:** It's not on page 1 for me.

1 MR. BRZEZICKI: I think there's a bit of a delay.
2 So I scrolled it up to page 1. Please advise when I
3 should go back down.

4 A. There you go. Now we can see it. And then you can go
5 back down.

6 MR. BRZEZICKI: Okay. No problem. It will take a
7 couple of seconds for delay. I can switch it to page
8 2. There you go.

9 A. Yeah, no worries.

10 MS. BRZEZICKI: Okay.

11 A. So reading the document, it says that this person will
12 be removed from the premises. And the only times I was
13 witnessing the little toy horn being honked in front of
14 law enforcement, the law enforcement did not remove
15 them or confront them.

16 Q. MR. AARON: Well, I'm not sure what question
17 you're answering, Mr. Jost, because my question was you
18 testified that this order only applies to horns being
19 honked by motor vehicles. And so we're giving you an
20 opportunity to take a look at this document and tell me
21 what you base that testimony on. So I'm not asking you
22 about beliefs.

23 MR. MILLER: That's not a fair
24 characterization. This is the first time he saw any
25 order. He testified as to what he believed it had in

1 it.

2 **Q.** MR. AARON: Okay. So, Mr. Jost, just a couple
3 more questions, then, on this one -- on this
4 document -- or on this injunction. So you don't
5 believe that the horns that emitted noise by blowing
6 air out of them constitute an air horn. You've told us
7 that. And you've told us that you believe that this
8 injunction only applies to vehicle horns. And so I
9 take it it's your view that these air horn -- or,
10 pardon me, these horns that emitted air -- or emitted a
11 noise by blowing air out of them were not air horns and
12 were not prohibited by any court order?

13 **A.** Yes, that's correct.

14 **Q.** Okay. Let's go to Coleman affidavit, Exhibit Z -- five
15 Zs.

16 MR. BRZEZICKI: Once again, it will take a couple
17 of seconds, though I'm there now.

18 MR. AARON: No problem.

19 **Q.** MR. AARON: Are you doing okay, Mr. Jost? Do
20 you need a break at all?

21 **A.** Yeah, actually, just, like, a 1-minute break again
22 would be great, if that's all right.

23 MR. AARON: We'll take 5.

24 (ADJOURNMENT)

25 **Q.** MR. AARON: So I have in front of you,

1 Mr. Jost, Exhibit Z -- five Zs to the Coleman
2 affidavit. And this is a document that's also stamped
3 "Ontario Superior Court of Justice." The court file is
4 CV-22-88569. It says the "Honourable Associate Chief
5 Justice Faye McWatt," and it's dated Monday, the 14th
6 day of February, 2022. The applicant is the City of
7 Ottawa. The respondents are persons unknown and
8 interveners or the Attorney Generals of Ontario and
9 Canada. Do you see that?

10 A. Yes.

11 Q. And this -- do you agree with me that this is another
12 injunction issued by the Ontario Superior Court, this
13 time in response to a request from the City of Ottawa?

14 A. As far as -- to the extent of my knowledge on reports,
15 which is little, yes.

16 Q. Do you want to take a look at the document, and then
17 you can answer?

18 A. No. Like, I'm not disagreeing. It looks like a --

19 Q. Okay.

20 A. -- court injunction, yes.

21 Q. And this injunction was made in response to municipal
22 bylaw violations related to the protest, correct?

23 A. Yes.

24 Q. And the injunction prevented discharging of any
25 firecrackers or any fireworks and ordered people not to

1 cause any noise that was likely to disturb the
2 inhabitants of the city, including, but not limited to,
3 causing noise by honking air horns, car horns, train
4 horns in realtime or playing prerecorded horns? Do you
5 see that?

6 **A.** Yes, I do.

7 **Q.** Okay. Have you seen this document before?

8 **A.** No, I have not.

9 **Q.** While you were participating in the protest, did you
10 become aware of this second injunction?

11 **A.** Yes, I believe so.

12 **Q.** How did you learn of it?

13 **A.** Word on the street.

14 **Q.** So you spoke to other protesters who mentioned it to
15 you?

16 **A.** That's correct.

17 **Q.** Okay. Even after this injunction, though, you still
18 experienced honking, correct?

19 **A.** Yeah, there -- yes. I'm not going to say that there
20 was total silence after this, no.

21 **Q.** Okay. And you knew that this -- this honking was
22 coming from the protest area?

23 **A.** That's correct, yes.

24 **Q.** Okay. And did you do anything to identify where this
25 honking was coming from, like where specifically within

1 the protest area this honking was coming from?

2 A. No, I didn't -- I didn't go and track it down and
3 figure out who -- who honked.

4 Q. But you knew that this honking noise was in violation
5 of this injunction?

6 A. Yes.

7 Q. So you knew the protesters were violating the
8 injunction, but you didn't take steps to try to stop
9 them from violating the injunction?

10 MR. MILLER: Hold on. Objection. You know,
11 you're asking if he knew they were in violation of the
12 injunction and whether steps were -- he didn't take any
13 steps to that. But, like, how -- we don't know if --
14 he's already said that he didn't know where it was
15 coming from. He didn't -- you don't know if it's
16 protesters. It's not a fair question. So if you
17 want --

18 MR. AARON: Do you -- do you concede, then,
19 Mr. Miller, that he didn't take any steps because he
20 didn't know where the noise was coming from, and I
21 can --

22 MR. MILLER: I can -- you can ask -- I would
23 like him, of course, to answer it, but it's just that
24 it's -- your question is overly broad, and it's not a
25 fair question on that basis, but you can break it down.

1 **OBJECTION TAKEN** to answering the question: So you knew the
2 protesters were violating the injunction, but you
3 didn't take steps to try to stop them from violating
4 the injunction?

5 **Q.** **MR. AARON:** Okay. So, Mr. Jost, you've told
6 us that you knew there was honking after this
7 injunction came into effect that prohibited honking.
8 Of horns, I should say. And you know -- you said that
9 you knew that this honking was coming from within the
10 protest area, and you told us that you didn't take any
11 steps -- or, pardon me, you -- you don't know where
12 specifically within the protest area this honking was
13 coming from, correct?

14 **A.** Not always. From -- from my own witness, there were
15 times -- one time I recall some little kids, like,
16 under 10, under 8, a group of them walking in front of
17 a trucker. And all the kids are -- got their arm in
18 the air pulling down, kind of motioning for an air horn
19 sound. So, you know, you have a group of little kids
20 asking a trucker to toot their horn, and so I do
21 remember police present and little kids asking a
22 trucker to toot their horn, and then a trucker tooted
23 his horn for the little kids.

24 **Q.** But adults were making that horn-pulling motion to
25 truckers as well, weren't they?

1 **A.** Yes. That would have been the adult, yeah.

2 **Q.** Right. And so did you -- when you saw these adults
3 encouraging truckers to honk their horns, did you say
4 to them, "You're violating the injunction"?

5 **A.** No, I did not. I'm not law enforcement.

6 **Q.** Yeah. Did you tell them to stop?

7 **A.** No, I did not have conversations, but in conversation,
8 I always discouraged it.

9 **Q.** What do you mean in conversation, you always
10 discouraged it?

11 **A.** If I was talking to somebody on the street about it, I
12 was always sympathetic to the residents, that we -- we
13 should be silent, especially at night. So if I were to
14 have a conversation with a trucker, which I did on one
15 instant on the western side of Wellington where we were
16 talking, and a group of people asked him to honk his
17 horn, and he said no, and I thanked him for that.

18 **Q.** You thanked him for not honking his horn?

19 **A.** Yes, after being asked to by a local.

20 **Q.** In other instances where you saw people encouraging
21 truckers to honk their horns, were there instances
22 where the truckers complied?

23 **A.** As the one I mentioned, yes, but, again, for the
24 majority of the time, there was silence, and often, the
25 trucker would just kind of shrug his shoulders and say,

1 "Sorry, I can't."

2 **Q.** Right. But my question was, After this injunction came
3 into effect on February 14th, did you see any truckers
4 still honking their horns?

5 **A.** Again, I mentioned the instance with the kids asking.
6 Again, I'm not -- I don't recollect a specific
7 situation, and going back to our previous conversation,
8 I -- I know I heard actual traffic horns. So I don't
9 know exactly where the horns were coming from or
10 whether there were truckers or actual traffic.

11 **Q.** Okay. After this injunction came into effect, did the
12 fireworks continue?

13 **A.** To the best of my recollection, no.

14 **Q.** So you didn't see any fireworks being launched after
15 the injunction came into effect?

16 **A.** To the best of my recollection, I don't -- I don't
17 remember seeing any fireworks. But I'm not saying
18 there wasn't because as the days -- the longer we were
19 there, the more exhausted and worn we were, so the
20 earlier we are going back to our residence. But there
21 was -- yeah, definitely if there was, I didn't see
22 them.

23 **Q.** It's harder to remember things when you're exhausted,
24 right?

25 **A.** No, I wouldn't -- I wouldn't say so.

1 **Q.** Oh, okay. Why were you exhausted? Was it because you
2 weren't sleeping well?

3 **A.** No, I was sleeping well. As mentioned before, I didn't
4 pack clothes properly, and I really should have parked
5 a thermal liner, like a lot of people there were. I
6 had skinny jeans and sweat pants underneath and was
7 always cold. And there was a lot of restaurants that
8 were locked up, and so there was a lot of time in the
9 cold, a lot of walking. So by the end of the day, you
10 felt like you had arthritis all over your bones.

11 **Q.** While you were participating in the protests, you
12 considered that the citizens of Ottawa were being
13 prevented from attending their places of work in the
14 downtown core, correct?

15 **A.** I had many conversations with local workers who said
16 they've never had such good business in the past two
17 years, and they were thrilled to have the convoyers
18 here. I am aware that there were chains -- food chains
19 shut down by -- ordered by the -- what I believe was
20 the mayor of Ottawa.

21 **Q.** So who were -- who were these individuals that you
22 spoke to? What are their names?

23 **A.** We went to a place just -- just by the Starbucks
24 south -- or, yeah, it was right by the Starbucks. They
25 sold -- it's another name --

1 **Q.** I'm just asking you what the names of the individuals
2 were that told you that they were thrilled that the
3 protesters were there.

4 **A.** There were at least four separate stores. I don't
5 remember the names. I can -- I can provide you with
6 the name of the stores.

7 **Q.** No, no, no. There are no undertakings on a
8 cross-examination, and I'm not asking you to provide me
9 with anything. I just want to know if you remember the
10 names of the individuals that you spoke to.

11 **A.** No, I do not remember the names.

12 **Q.** Were they men, or were they women?

13 **A.** Three of them were men; one of them was a woman.

14 **Q.** And they were employees of these stores?

15 **A.** Yes --

16 **Q.** Did --

17 **A.** -- or owners.

18 **Q.** Did they own the stores?

19 **A.** At least -- at least two of them, to my -- to my best
20 knowledge, were the owners.

21 **Q.** Yeah, and what's your best knowledge? Like, how do you
22 know that?

23 **A.** The two stores that testified to that, they said that
24 they were the owner.

25 **Q.** So they told you that they were the owner?

1 **A.** Yes, correct.

2 **Q.** And you'd agree with me, though, that not everybody who
3 owns a business in downtown Ottawa was thrilled to have
4 the truckers -- the trucker convoy in downtown Ottawa?

5 MR. MILLER: Again, you're asking him to speak
6 to the mind of another.

7 OBJECTION TAKEN to answering the question: And you'd agree
8 with me, though, that not everybody who owns a business
9 in downtown Ottawa was thrilled to have the trucker
10 convoy in downtown Ottawa?

11 **Q.** MR. AARON: You'd agree with me that -- let me
12 rephrase this. You became aware that some businesses
13 in downtown Ottawa were unable to open because of the
14 convoy, correct?

15 **A.** They -- to my knowledge, they chose not to open because
16 of the convoy.

17 **Q.** You're aware that the City of Ottawa and law
18 enforcement agencies were advising citizens of Ottawa
19 not to come down to the convoy area unless they
20 absolutely had to?

21 **A.** Yes, I'm aware that that was told.

22 **Q.** So it wasn't really those -- those business owners'
23 choice not to open, right? They were being told not to
24 open?

25 MR. MILLER: Objection. That's -- you know,

1 you're saying whether it's a choice of another, and he
2 can't say --

3 MR. AARON: Okay. Thanks.

4 OBJECTION TAKEN to answering the question: So it wasn't
5 really those business owners' choice not to open,
6 right? They were being told not to open?

7 Q. MR. AARON: I will -- let me ask you this,
8 then, Mr. Jost. In your view, the only -- the only
9 businesses that stay closed in downtown Ottawa were
10 those that just didn't feel like opening?

11 A. I can't speak on behalf of the business owners. I can
12 only testify as to the ones that I personally spoke
13 with.

14 Q. Yeah, well, did any business owners tell you that the
15 reason that they were unable to open was because they
16 just didn't want to come downtown?

17 A. No. No. If the store was closed, I didn't have a
18 conversation with them.

19 Q. Would you agree with me that citizens of Ottawa
20 suffered financial harm as a result of the protests?

21 MR. MILLER: Again, speaking of what would
22 happen to somebody else.

23 OBJECTION TAKEN to answering the question: Would you agree
24 with me that citizens of Ottawa suffered financial harm
25 as a result of the protests?

1 Q. MR. AARON: Would you agree with me that
2 some -- some businesses in downtown Ottawa could not
3 open because of the protests?

4 A. Again, I can't speak on behalf of them. It's --

5 Q. I'm not asking --

6 A. It's my belief --

7 Q. I'm not asking you to speak on behalf of them. I'm
8 asking if you would agree with me that some businesses
9 in downtown Ottawa could not open because of the
10 protests?

11 A. I disagree with that statement.

12 Q. Okay. So in your view, any business in downtown Ottawa
13 could have opened unaffected by the convoy protest?

14 A. I believe it could have opened, yes.

15 Q. And the blockades of the various roads in downtown
16 Ottawa was not detrimental to their ability to open
17 their businesses?

18 MR. MILLER: Again, I'm going to -- you're
19 asking him about a business that he doesn't run, wasn't
20 involved in. He has no knowledge of this obviously.

21 MR. AARON: That's fine. Listen, I think he's
22 already answered the question anyways, so we can just
23 move on.

24 OBJECTION TAKEN to answering the question: And the
25 blockades of the various roads in downtown Ottawa was

1 not detrimental to their ability to open their
2 businesses?

3 Q. MR. AARON: So you attended the protests on
4 January 29th when you arrived in Ottawa?

5 A. Correct.

6 Q. Okay. And so you were down on Wellington Street on
7 January 29th?

8 A. Correct.

9 Q. And did you go down towards the Chateau Laurier area --
10 Chateau Laurier Hotel? Pardon me.

11 MR. MILLER: Fairmont.

12 MR. AARON: Fairmont. Sure, the brand is the
13 Fairmont. That's right. Sorry, Mr. Miller.

14 Q. MR. AARON: So the Fairmont Chateau Laurier
15 Hotel.

16 A. Is that east from Wellington?

17 Q. That's where you've indicated that the horse trampling
18 incident occurred.

19 A. I did not go there on the 29th, no.

20 Q. No. Okay. So did you enter the Rideau Centre Mall on
21 January 29th?

22 A. No, I did not.

23 Q. Are you aware that other protesters entered the Rideau
24 Centre Mall on January 29th?

25 A. No, I'm not.

1 **Q.** Nobody told you that protesters entered the Rideau
2 Centre Mall on January 29th?

3 **A.** No.

4 **Q.** So you're -- you've said that you're not aware of any
5 protesters entering the Rideau Centre Mall on January
6 29th, so I take it you're also not aware of any
7 protesters shouting at Rideau Centre Mall employees?

8 **A.** No, I'm not.

9 **Q.** And you -- you don't know anything about protesters
10 eating inside the Rideau Centre Mall?

11 **A.** No, I -- I did not hear of that.

12 **Q.** You didn't hear anything about protesters entering the
13 mall without -- or being inside the Rideau Centre Mall
14 without wearing masks?

15 **A.** No, I did not hear of this.

16 **Q.** During your time at the protest, did you hear anything
17 about protesters getting in confrontations with
18 security staff at the Rideau Centre Mall?

19 **A.** No, I did not.

20 **Q.** Did you see the Rideau Centre Mall while you were in
21 Ottawa?

22 **A.** Yes, we did, on the 20 -- on one of the later days, the
23 O-Train was shut down. It stopped at the Rideau Mall,
24 so we got out there and had to walk that whole street,
25 and we -- we looked through some of the shops.

1 Q. You looked -- you looked through the windows of the
2 shops, correct?

3 A. Correct.

4 Q. You didn't go into the shops?

5 A. No. We -- we were trying to get to downtown.

6 Q. Well, could you have gone into the shops if you wanted
7 to inside of the Rideau Centre?

8 A. Yes.

9 Q. Because they were open?

10 A. Not all of them, but some of them were.

11 Q. Some of the stores in the Rideau Centre were open.

12 Okay. And what date -- what date was this?

13 A. To the best of my recollection, and I could be wrong on
14 this, it was --

15 Q. Well, I don't want you to guess. I mean, if you don't
16 remember, you don't remember.

17 A. It was -- it was near the end, so that would have been
18 the 16th, 17th.

19 Q. Okay. Do you recall which stores in the Rideau Centre
20 were open in that time frame?

21 A. I believe we went to get chipotle, but it ended up it
22 was -- it was too late and they had literally just
23 closed.

24 Q. What time was that?

25 A. I'm thinking that was 10:00.

1 **Q.** Okay. Did you see any -- any other stores that were
2 open in the Rideau Centre Mall when you went through
3 it?

4 **A.** To the best of my recollection, I believe so, yes.
5 There --

6 **Q.** Yeah. Which other ones?

7 **A.** I -- just off the top of my head, my memory, I remember
8 seeing some clothing stores open, and I was aware of
9 this because I had ripped my pants, and I had only
10 packed one pair so...

11 **Q.** And so these clothing stores were open at 10 p.m. when
12 you were going through the Rideau Centre Mall somewhere
13 around the 16th, 17th, or 18th?

14 **A.** No, this is -- this is in the morning on our way.
15 There's actually --

16 **Q.** I thought you told me that the only time you were in
17 the Rideau Centre Mall was once when you got off there
18 because you got off of the O-Train.

19 **A.** Sorry. It was that day. We walked through the Rideau
20 station to Wellington, and I believe it was that night,
21 we had walked right to where -- right about where the
22 horse was trampled. And it's an entrance. It says
23 "Rideau Station." Whether that's technically part of
24 the mall -- I believe there's a Chipotle on that
25 corner. We walked up to it to get some food, but

1 literally, we saw the owner locking up or a worker.

2 **Q.** So just to be clear, did you go into the actual Rideau
3 Centre Mall itself?

4 **A.** I'm not -- I'm not aware of what is technically the
5 Rideau Mall. As I said, there's a sign on the wall
6 that says "Rideau Centre."

7 **Q.** So there are doors, and they would say "Rideau Centre"
8 above the doors. Did you -- did you go into any of
9 those doors that said "Rideau Centre"?

10 **A.** We did -- we did when we were coming off the train that
11 morning.

12 **Q.** That morning. Okay. And you -- okay. Are you aware
13 that the Rideau Centre has approximately 175 businesses
14 in it?

15 **A.** I was not aware of that number, no.

16 **Q.** Are you aware that it's a very large mall?

17 **A.** Walking through it, I -- I did see it was pretty big.

18 **Q.** And you would agree that many people are employed in
19 the Rideau Centre?

20 **A.** Yes.

21 **Q.** Are you aware that the Rideau Centre was forced to
22 close for more than three weeks, from January 29th to
23 February 21st?

24 **A.** No, I was not aware that the entirety of the mall was
25 forced to close.

1 **Q.** So in your experience, parts of the mall remained open
2 during that time period?

3 **A.** To best of my recollection. Again, if -- if it wasn't
4 officially part of the mall, I could be wrong, but in
5 that area, shops were open.

6 **Q.** Are you aware that the owner of the mall, Cadillac
7 Fairview Corporation, announced that the mall was being
8 closed due to public safety concerns related to the
9 convoy protest?

10 **A.** I -- that sounds vaguely familiar, but, again, I'm not
11 100 percent on that.

12 **Q.** Are you aware that the mall couldn't reopen because the
13 Ottawa Police couldn't give Cadillac Fairview and its
14 security teams an assurance that they could actually
15 keep the mall safe because of the protests that were
16 going on?

17 **A.** I'm not aware of that, no.

18 **Q.** Do you agree with me that when the mall was closed,
19 save and except, I guess, for the stores that you
20 believe were open -- but the stores that were closed,
21 employees wouldn't have been able to work at those
22 stores, correct?

23 MR. MILLER: Well, objection. We don't know
24 why they're closed. You know, of course an employee is
25 not working at a closed store, but you're -- you're

1 asking him to give evidence that he is going to have no
2 knowledge of.

3 Q. MR. AARON: If a store is closed, Mr. Jost, an
4 employee can't work in it, correct?

5 A. Correct.

6 Q. And an employee can't work in it because it's closed,
7 correct?

8 A. Correct.

9 Q. And so if somebody can't work, then they're not earning
10 a salary, correct?

11 MR. MILLER: Well --

12 MR. AARON: I don't know why you're laughing,
13 Mr. Miller.

14 MR. MILLER: I just --

15 MR. AARON: I'm asking a serious question.
16 These are people's livelihoods at stake, and I don't
17 know why you're laughing.

18 MR. MILLER: Right, because the issue is the
19 Emergencies Act, right? So I don't -- I've been, I
20 think I have, relatively reserved, but I'm going to
21 object at this point on just the grounds of relevance.

22 OBJECTION TAKEN to answering the question: And so if
23 somebody can't work, then they're not earning a salary,
24 correct?

25 MR. AARON: So, Mr. Miller, your application

1 involves a challenge to the Emergencies Act, and it
2 also involves a constitutional challenge, correct?

3 MR. MILLER: About whether or not a provision
4 in the Emergencies Act is overly vague, yeah.

5 MR. AARON: Yeah. So it's a constitutional
6 challenge?

7 MR. MILLER: About whether or not the word --
8 the measure is vague, yeah.

9 MR. AARON: All right. So it's a
10 constitutional challenge, correct?

11 MR. MILLER: To that provision, yeah.

12 MR. AARON: All right, Mr. Miller. So you --
13 well, let me try to ask the question differently, then.

14 Q. MR. AARON: Do you agree with me that if a
15 store is closed and an employee can't work there, their
16 employer is not going to pay them for work that they're
17 not doing, correct, Mr. Jost?

18 A. I don't know their contract.

19 Q. Let me ask you this: If you were an employer and your
20 store was closed and you had no employees working
21 there, would you be paying your employees that weren't
22 working?

23 MR. MILLER: Hypothetical.

24 MR. AARON: Mr. Miller is objecting. Sorry.
25 Go ahead, Mr. Miller.

1 MR. MILLER: It's a hypothetical.

2 MR. AARON: So you don't want him to answer
3 that -- that hypothetical?

4 MR. MILLER: Yeah, no answer, just objection on
5 that ground of hypothetical.

6 MR. AARON: So you would like him to answer
7 that question? Is it okay if he answers it?

8 MR. MILLER: No, I said objection.

9 MR. AARON: Okay. All right. Well, you're
10 saying on background, so I want to make sure I
11 understood what it was you were saying.

12 OBJECTION TAKEN to answering the question: Let me ask you
13 this: If you were an employer and your store was
14 closed and you had no employees working there, would
15 you be paying your employees that weren't working?

16 MR. AARON: Does your -- by the way,
17 Mr. Miller, just so I'm clear, does your constitutional
18 challenge involve Section 2 of the -- of the Charter?

19 MR. MILLER: The judicial review does.

20 MR. AARON: The judicial review. And does
21 it -- does it involve Section 6 of the Charter?

22 MR. MILLER: The judicial review does.

23 MR. AARON: And does it involve Section 7 of
24 the Charter?

25 MR. MILLER: The judicial review does.

1 MR. AARON: What about 8, 9, 10, 12, and 15?

2 MR. MILLER: The judicial review does. There's
3 a judicial review which, of course, is done under the
4 Doré test. And then there's one challenge --

5 MR. AARON: I'm not asking you for the legal
6 test. I'm just asking you --

7 MR. MILLER: Well, you've asked me. So one is
8 a judicial review proper, right? And there's one
9 challenge in the NCQ --

10 MR. AARON: Right.

11 MR. MILLER: -- with respect to void for
12 vagueness to one of the -- a two-word --

13 MR. AARON: Right.

14 MR. MILLER: -- sentence. That's it. So
15 void -- void for vagueness on the two sentence with
16 respect to what is, you know, the measures because it
17 doesn't have any definition. And then the remainder of
18 it is a pure judicial review.

19 MR. AARON: So despite these -- these Charter
20 challenges that you've brought, you're still objecting
21 to me asking the witness about the circumstances in
22 Ottawa, such as closure of a mall, loss of income by --
23 by citizens of Ottawa? I'm not allowed to ask him that
24 stuff despite your Charter challenge?

25 MR. MILLER: You're asking him to speculate.

1 You're talking about loss of income of people that --

2 MR. AARON: That wasn't your objection,
3 though.

4 MR. MILLER: So the objection is also, What's
5 the relevance of asking him a speculative question?

6 MR. AARON: So your -- so your objection is
7 changing, then?

8 MR. MILLER: No, my objection is the same as
9 before. You asked a speculation question --

10 MR. AARON: You're just -- you're adding
11 something to the objection now?

12 MR. MILLER: We've been arguing now. I don't
13 know -- what was your question now? What was the
14 question?

15 Q. MR. AARON: Okay. Mr. Jost, in paragraph 12
16 of your affidavit -- we went over this earlier, but you
17 said that the protests were not anti-vaccine or
18 anti-government, correct?

19 A. That is correct.

20 Q. You've heard of the organization Canada Unity?

21 A. Yes, I have.

22 Q. And you're aware that Canada Unity was one of the major
23 organizers of the Freedom Convoy?

24 A. I would not agree to that, no.

25 Q. No?

1 A. No.

2 Q. Are you familiar with James Bauder, B-A-U-D-E-R?

3 A. I -- I don't remember the name right now, no.

4 Q. What about Sandra Bauder, same spelling?

5 A. No.

6 Q. What about Martin Brodmann, B-R-O-D-M-A-N-N?

7 A. No, I'm not aware of who those people are.

8 Q. How about Tom Marazzo, M-A-R-A-Z-Z-O?

9 A. That -- that name sounds familiar, yes.

10 Q. Yeah, so you know that name?

11 A. I believe he was one of the organizers.

12 Q. Yeah. Do you know him?

13 A. No, I do not know him personally.

14 Q. Did you see him at the protest?

15 A. Not with my own eyes personally.

16 Q. Not with your own eyes personally.

17 MR. AARON: Okay. So if we could go to --

18 back to the Facebook video, please, Ms. Brzezicki.

19 MR. BRZEZICKI: Sure. Could you confirm which

20 one?

21 MR. AARON: Sorry. So it is the Alberta

22 Facebook video that shows the Ontario Facebook video --

23 or Ontario video.

24 MR. MILLER: Exhibit 1.

25 MR. AARON: Thank you, Mr. Miller.

1 **Q.** MR. AARON: So this is the video that you
2 identified earlier where you gave the talk to people in
3 your community.

4 MR. AARON: And now let's go to 1:35, please,
5 Ms. Brzezicki.

6 MS. BRZEZICKI: Okay.

7 MR. AARON: Now, don't play it yet. Just hang
8 on.

9 MR. BRZEZICKI: Okay.

10 **Q.** MR. AARON: So at this point in the Alberta
11 video, Mr. Jost, you're -- you're showing a video that
12 you took of things going on in Ottawa in the Ottawa
13 video, correct?

14 **A.** Correct. This is after the Emergency Act, and the
15 police were clearing everybody out.

16 **Q.** Right.

17 MR. AARON: So at 1:35 -- 1:34:52, just play
18 it there, please.

19 (VIDEO CLIP PLAYED)

20 MR. JOST: ...remain calm
21 or peaceful. Give them 2 feet of space.
22 And, I mean, you saw in that other
23 video, everyone was yelling, like,
24 "Remain calm. Remain peaceful. We've
25 got to stay peaceful." But this video,

1 you can actually see one of the main
2 organizers --

3 UNIDENTIFIED SPEAKER: Tom Marazzo.

4 MR. JOST: -- his name is
5 Tom Marazzo, right -- right here. There
6 he is. I actually didn't even know he
7 was there, but he's the guy who did a
8 lot of the main videos for the convoy.

9 **Q.** MR. AARON: Okay. So let's stop it there. So
10 you just told me that -- you just told me that you took
11 that video, correct, Mr. Jost?

12 **A.** Correct.

13 **Q.** Yeah. So you saw Mr. Marazzo with your own eyes,
14 correct?

15 **A.** No, I did not.

16 **Q.** Well, that's a picture of Mr. Marazzo in your video, is
17 it not?

18 **A.** Correct. And as I stated in the video, I didn't see
19 him in person. It wasn't until I rewatched the video
20 later that I noticed he stood up several people over to
21 me.

22 **Q.** So you're saying you didn't see him in person because
23 you had a phone between you and Mr. Marazzo?

24 **A.** I had a few hundred police officers donning gas masks
25 and a person to my right pleading in French, a girl to

1 my right pleading in English, and then a grandmother as
2 well in between --

3 MR. AARON: Ms. Brzezicki, let's play that
4 video again.

5 (VIDEO CLIP PLAYED)

6 MR. JOST: ...on that
7 other video, everyone was yelling, like,
8 "Remain calm. Remain peaceful. We've
9 got to stay peaceful." But this video,
10 you can actually see one of the main
11 organizers --

12 UNIDENTIFIED SPEAKER: Tom Marazzo.

13 MR. JOST: -- his name is
14 Tom Marazzo, right -- right here. There
15 he is. I actually didn't even know he
16 was there, but he's the guy who did a
17 lot of the main videos for the convoy.

18 MR. AARON: Okay. Let's stop it there. The
19 video is not playing. There's a lag, so I'm going
20 to -- there. Stop it right there.

21 Q. MR. AARON: So you're -- in this video, you're
22 using a laser pointer, and you're circling
23 Mr. Marazzo's head, correct?

24 A. That's correct.

25 Q. And you're maybe -- I don't know. It's fair to say

1 that the video -- the phone you're holding to record
2 that video is maybe 3 feet from Mr. Marazzo?

3 **A.** No.

4 **Q.** Four feet?

5 **A.** No. Ten or --

6 **Q.** How many feet would you say that is?

7 **A.** I would say he's about -- between 10 and 15 feet.

8 **Q.** Really? In that video?

9 **A.** Yes.

10 **Q.** Okay. And you say you didn't see him face to face. I
11 mean, you saw him face to face. You just -- at the
12 time, you're saying you didn't know it was him,
13 correct?

14 **A.** No, I literally didn't see him. I was --

15 **Q.** You didn't see that man that you were circling with a
16 laser pointer? You didn't see him at all even though
17 you were videotaping him?

18 **A.** I was watching my camera. And as I said in the
19 presentation, I didn't even know he was there because I
20 would have loved to have a conversation with him and
21 meet him.

22 **Q.** I'm sure he would have loved to have a conversation
23 with you too, but that wasn't what I asked you, so
24 we'll move on.

25 **MR. AARON:** Mr. Miller, you're laughing again.

1 Can you tell me why?

2 MR. MILLER: I just thought that was a rude
3 thing to say. That's why.

4 MR. AARON: Well, I think you laughing on the
5 record every time I ask a question is rude, and I would
6 ask you to stop doing it.

7 MR. MILLER: I haven't been laughing every time
8 you ask a question. I -- but you can --

9 MR. AARON: You'd agree with me you've laughed
10 multiple times during my cross-examination?

11 MR. MILLER: Am I being questioned?

12 MR. AARON: Did you laugh multiple times
13 during my cross-examination?

14 MR. MILLER: Am I the witness? Do you want me
15 to start giving evidence?

16 MR. AARON: No, I want you to stop laughing
17 during my cross-examination because it is throwing me
18 off, and it is disrespectful, and I want it to stop.

19 MR. MILLER: Okay. I'll do my best, and I'm
20 sorry for laughing at your last question, which I
21 thought was rude.

22 MR. AARON: Okay. So if we could go to
23 Exhibit C of the Coleman affidavit, please.

24 MR. BRZEZICKI: One second, yeah. It's loaded on
25 my end. Just let me know when you want me to scroll

1 down.

2 MR. AARON: Just scroll down to the first
3 page, please.

4 Q. MR. AARON: All right. So this is a document
5 that says -- there's a title on the top that says,
6 "Introduction to The Memorandum of Understanding (MOU)
7 Call to Action." Do you see that, Mr. Jost?

8 MR. MILLER: I'm just going to object. You
9 can -- again, I'm happy if you ask the witness about if
10 he's familiar with the document, and then he can answer
11 questions if he is. If not, again, I object for the
12 same reasons as I have.

13 MR. AARON: Can I first just ask him if he
14 sees that title on the page so that I know we're
15 looking, you know, at the same thing, if that's all
16 right? Okay.

17 Q. MR. AARON: You see those words on the page,
18 Mr. Jost?

19 A. Yes, I see that document in front of me.

20 Q. And have you seen this memorandum of understanding
21 before?

22 A. No, I have not.

23 Q. Are you aware of a memorandum of understanding that was
24 created by the Canada Unity organization that you said
25 you were aware of?

1 **A.** No, I'm not.

2 **Q.** Okay. At paragraph 48 of your affidavit, you talk
3 about the fact that you videotaped an incident in which
4 a police horse trampled on protesters, correct?

5 **A.** That's correct.

6 **Q.** And at paragraph 49, you say that witnessing the horse
7 trampling video traumatized you, correct?

8 **A.** Absolutely.

9 **Q.** And that's because you witnessed somebody get severely
10 injured after being trampled by a horse?

11 **A.** Absolutely, yes.

12 **Q.** Okay. And you view this incident as a serious incident
13 of police brutality?

14 **A.** I would label that as, yes.

15 **Q.** Are you aware the complaints of police misconduct in
16 Ontario are investigated by the Special Investigations
17 Unit?

18 **A.** It -- it sounds -- it sounds legit.

19 MR. AARON: Okay. Ms. Brzezicki, can you put
20 up the mandate of the SIU, please?

21 MR. MILLER: Is that an exhibit?

22 MR. AARON: It's not.

23 MR. MILLER: So --

24 MR. AARON: This is -- this is, as I
25 understand it, a live webpage that we're -- we're

1 accessing on the internet. Ms. Brzezicki, is that
2 accurate?

3 MR. MILLER: Right. So --

4 MR. BRZEZICKI: That's correct.

5 MR. MILLER: -- I understand -- I don't know
6 where you're going with this but --

7 MR. AARON: Well, that's because I haven't
8 asked a question yet, Mr. Miller, so let me.

9 MR. MILLER: Okay.

10 **Q.** MR. AARON: Do you see the web address at the
11 top that says siu.on.ca, Mr. Jost?

12 **A.** Yes.

13 MR. AARON: And, Ms. Brzezicki, please go up
14 to the top.

15 **Q.** MR. AARON: Do you see the word that says "The
16 Unit" at the top in bold lettering?

17 **A.** Yes, I do.

18 **Q.** And you see the words on this page that say: (as read)
19 The SIU is a civilian law enforcement
20 agency in Ontario that has jurisdiction
21 over municipal, regional, and provincial
22 police officers as well as special
23 constables employed by the Niagara Parks
24 Commission and peace officers with the
25 Legislative Protective Service. Anyone

1 the SIU is mandated to investigate is
2 referred to as an official. The SIU
3 director may cause a criminal
4 investigation to be conducted into any
5 incident in which any of the following
6 occurs if the incident may have resulted
7 from criminal conduct by an official.

8 And there's four bullet points, and one of them is the
9 serious injury of a person. Do you see what I've read
10 on the document in front of you?

11 MR. MILLER: I'm going to object. This does
12 not meet the formal relevance test for Merck and
13 Frosst, as it's not --

14 MR. AARON: I'm not --

15 COURT REPORTER: Please, one at a time, counsel.
16 Counsel, one at a time, please. Let him put his
17 objection. "This does not meet the formal relevance
18 test for Merck and Frosst," and then which?

19 MR. MILLER: And I'm objecting to you asking
20 questions about its contents or about it on that basis.

21 MR. AARON: Mr. Miller, I haven't asked him
22 anything other than whether he sees the words I just
23 read on the screen in front of him.

24 MR. MILLER: Right, and I'm objecting to it
25 because it's not relevant. For example, if you asked

1 him what his birthday was, Merck and Frosst says that
2 that would be irrelevant.

3 MR. AARON: Don't argue, please. I asked you
4 earlier, Mr. Miller, please don't argue law because it
5 suggests answers to the witness, and I don't want you
6 to do it.

7 MR. MILLER: Well, I'm just saying it's not
8 relevant, so I --

9 MR. AARON: I don't -- enough. I don't want
10 you to do it, Mr. Miller, so stop, please.

11 OBJECTION TAKEN to answering the question: Do you see what
12 I've read on the document in front of you?

13 Q. MR. AARON: Now, Mr. Jost, this document
14 describes the Special Investigations Unit in Ontario,
15 correct?

16 MR. MILLER: Objection on the grounds of
17 relevance, Merck and Frosst.

18 OBJECTION TAKEN to answering the question: Now, Mr. Jost,
19 this document describes the Special Investigations Unit
20 in Ontario, correct?

21 Q. MR. AARON: Are you aware, Mr. Jost, that
22 there is an organization in Ontario that oversees the
23 police?

24 MR. MILLER: Objection, again on the grounds of
25 relevance, Merck and Frosst.

1 OBJECTION TAKEN to answering the question: Are you aware,
2 Mr. Jost, that there is an organization in Ontario that
3 oversees the police?

4 MR. AARON: All I asked him, Mr. Miller, was
5 whether he is aware that there is an organization in
6 Ontario that oversees police conduct, whether he is
7 aware of that.

8 MR. MILLER: What's that have to do with what's
9 in his affidavit and what's at issue in this judicial
10 review --

11 MR. AARON: Well, you've made it very clear
12 that it's important to lay a foundation for any
13 subsequent questions, and that's what I'm doing right
14 now. So if you're --

15 MR. MILLER: Well, you're asking --

16 MR. AARON: No, no, no, no. I'm still
17 talking. The court reporter has asked us not to talk
18 over each other. So I'm willing to forego this
19 questioning if you will let me ask subsequent questions
20 and not object on the basis that I didn't lay a
21 foundation.

22 MR. MILLER: No, I'm not. You can ask your
23 questions, and if they're objectionable, I'll object to
24 them. I don't want to argue with you anymore. I --

25 MR. AARON: So stop objecting until they're

1 objectionable, okay, and then we'll get through this a
2 lot faster.

3 MR. MILLER: That's your opinion about whether
4 or not they're objectionable. Just because you argue
5 with me and we don't agree, right -- you argue with me,
6 and then I argue back. It doesn't help. And I've
7 never withdrawn an objection. So why don't we just
8 stop doing that? And if I object, I'll object. I'll
9 give you the reason for the objection, and then you can
10 move on.

11 MR. AARON: Mr. Miller, why are you pulling on
12 your hair? Are you frustrated with me?

13 MR. MILLER: Yeah, I am, because you keep
14 asking irrelevant, immaterial questions over and over
15 and over again, and you're putting a bunch of
16 inadmissible stuff to this witness. And I'm -- it is
17 frustrating, but I'm -- you know, finish up.

18 MR. AARON: Okay. Are you -- the body
19 gestures that you're making, Mr. Miller, are being seen
20 by the witness, and they are colouring what the witness
21 is thinking about my questions and his answers to me.
22 You are --

23 MR. MILLER: I --

24 MR. AARON: Stop talking over me, Mr. Miller.
25 You are telegraphing to the witness your views through

1 your conduct, and I want it to stop.

2 MR. MILLER: Okay. I don't know what you're
3 talking about, and I didn't know that you can telegraph
4 answers to a witness, but all right. You can always --
5 you know, we can -- if you want the witness or me to
6 turn off my Zoom -- or the video, if that makes it
7 better for you, I can do that.

8 MR. AARON: No, I absolutely don't want --

9 MR. MILLER: I'll turn off --

10 MR. AARON: I absolutely don't want --

11 MR. MILLER: I'll turn off the video because
12 you're uncomfortable, and, there, we can just deal with
13 it orally. And so I will -- I will orally object if it
14 makes you uncomfortable.

15 MR. AARON: Mr. Miller, for the record, I am
16 absolutely not uncomfortable with you having your
17 camera off, and if you're choosing to keep your camera
18 off, that is solely at your discretion. I think it's
19 in your client's interest that your camera be on so
20 that he knows his lawyer is here representing him, but
21 if you choose to keep your camera off, that's fine. My
22 concern is not with your camera being on. My concern
23 is the bodily movements, the laughing, the pulling of
24 your hair that you're doing when I ask questions.

25 MR. MILLER: My camera is off, so you're okay.

1 Go ahead.

2 **Q.** MR. AARON: Mr. Jost, are you aware that there
3 is an organization in Ontario that oversees allegations
4 of police misconduct?

5 MR. MILLER: Objection. Relevance. Merck and
6 Frosst.

7 OBJECTION TAKEN to answering the question: Mr. Jost, are
8 you aware that there is an organization in Ontario that
9 oversees allegations of police misconduct?

10 MR. AARON: Mr. Jost has said that he
11 witnessed a serious incident of police misconduct via
12 the horse trampling video. He is alleging serious
13 police misconduct. It is relevant to ask him whether
14 he is aware that there is an oversight body within
15 Ontario to which complaints can be made about alleged
16 misconduct by the police.

17 MR. MILLER: How is that relevant to what he's
18 said in his affidavit and the matters at issue? It's
19 not. Again, I uphold my objection. You can move on.

20 MR. AARON: So to be clear, Mr. Miller, you're
21 not letting me ask him anything about the Special
22 Investigation Unit?

23 MR. MILLER: No. There's nothing about --
24 there's nothing about that in any evidence, and there's
25 nothing relevant to this at all.

1 OBJECTION TAKEN to answering questions about the Special
2 Investigation Unit

3 **Q.** MR. AARON: Mr. Jost, are you aware that the
4 Special Investigations Unit received a complaint about
5 the horse trampling video that you have attached to
6 your affidavit?

7 MR. MILLER: Objection. Same grounds.

8 OBJECTION TAKEN to answering the question: Mr. Jost, are
9 you aware that the Special Investigations Unit received
10 a complaint about the horse trampling video that you
11 have attached to your affidavit?

12 **Q.** MR. AARON: What would you do, Mr. Jost, if
13 you saw a serious incident of police misconduct in
14 Alberta where you live?

15 MR. MILLER: That's speculation. Objection.

16 OBJECTION TAKEN to answering the question: What would you
17 do, Mr. Jost, if you saw a serious incident of police
18 misconduct in Alberta where you live?

19 **Q.** MR. AARON: Mr. Jost, could you agree with me
20 that there are entities that oversee police in Canada
21 and make sure that they don't engage in misconduct?

22 MR. MILLER: Again, objection, relevance. I do
23 not understand what any of this has to do with the
24 matters in issue at all or the evidence.

25 MR. AARON: Okay.

1 OBJECTION TAKEN to answering the question: Mr. Jost, could
2 you agree with me that there are entities that oversee
3 police in Canada and make sure that they don't engage
4 in misconduct?

5 MR. AARON: If you go, Ms. Brzezicki, to the
6 SIU news release, please.

7 COURT REPORTER: You're sounding kind of garbled,
8 Mr. Aaron.

9 MR. AARON: Let me know. I apologize, madam
10 court reporter. If I am, for whatever reason, losing
11 the connection, you let me know, and I will see what I
12 can do to adjust it. Can you hear me now?

13 COURT REPORTER: I think it has just gotten better
14 now. It was very garbled but understandable.

15 MR. AARON: Okay. I apologize for that. I'm
16 not sure what's going on, but hopefully it's better
17 now.

18 **Q.** MR. AARON: In front of you, Mr. Jost, I've
19 put up a document that says "SIU" with the SIU logo in
20 the upper left-hand corner. You can see the web URL
21 address is siu.on.ca. The headline says: (as read)
22 News release: SIU closes investigation
23 into reported serious injury of woman at
24 Ottawa protests; woman not seriously
25 injured. Case number 22-T0I-052,

1 Mississauga, Ontario, 4 April, 2022.

2 The director of the Special
3 Investigations Unit, Joseph Martino, has
4 terminated an investigation into the
5 serious injury reportedly suffered by a
6 49-year-old woman in an interaction with
7 a Toronto Police Service (TPS) officer
8 on a horse during the demonstrations in
9 Ottawa on February 18, 2022. The
10 decision comes following an interview
11 with the woman and a review of police
12 drone and body-worn camera footage as
13 well as the woman's medical records.

14 The woman was a participant in the
15 protests in Ottawa on February 18, 2022.
16 She was among a group of protesters on
17 Rideau Street in front of the Fairmont
18 Chateau Laurier when a police-mounted
19 unit proceeded into the crowd seeking to
20 create distance between the front lines
21 of protesters and police officers.

22 One of the horses near the end of
23 the unit contacted a man and the woman,
24 knocking them to the ground. Police
25 officers on foot moved in quickly to

1 surround both the woman and the man, as
2 protesters also moved in. The woman
3 could be seen being assisted to her feet
4 and standing within the line of police
5 officers.

6 She subsequently attended the
7 Montfort Hospital and, on February 20,
8 2022, the Lennox & Addington County
9 General Hospital with shoulder pain. A
10 review of the available medical records
11 indicates that the woman did not sustain
12 any fractures and that her injury was
13 limited to a strained shoulder. In the
14 circumstances, as the woman did not
15 sustain a "serious injury" within the
16 terms of the SIU's mandate, the SIU does
17 not have statutory jurisdiction to
18 investigate the matter, and the file is
19 closed. And the matter has been
20 referred to the TPS for further
21 investigation as they deem appropriate.

22 And when I said the words "serious injury" were in
23 quotes, that's a single quote around each end of the
24 words 'serious injury.' Do you see all of the words
25 that I've just read out to you, Mr. Jost?

1 MR. MILLER: Objection. Merck and Frosst.
2 Relevance.

3 OBJECTION TAKEN to answering the question: Do you see all
4 of the words that I've just read out to you, Mr. Jost?

5 Q. MR. AARON: Are you aware of an investigation
6 into the horse trampling incident that you videotaped
7 and attached to your affidavit?

8 A. I assumed and heard of many potential investigations.

9 Q. Who did you understand was conducting those mini
10 potential investigations?

11 A. I -- I did -- I actually was sent a request for
12 information from SIU to bring evidence in the -- the
13 investigation but was never contacted. So I submitted
14 my video and my testimony, and they didn't care to hear
15 from me.

16 Q. And so this SIU that contacted you -- what's the SIU?

17 A. It's the Special Investigations Unit. They -- they
18 didn't contact me. I was sent -- they released a
19 public statement asking for evidence for anyone who was
20 relevant to the incident, and so I submitted my video
21 and filled out a form on their website and was never
22 contacted.

23 Q. Okay. And so when you heard about this SIU
24 investigation, what steps did you take to figure out
25 what the SIU was?

1 **A.** Well, it says right on there "Special Investigations
2 Unit," and from my understanding, they investigate or
3 try to hold the police accountable.

4 **Q.** Okay. And did you go to the SIU's website?

5 **A.** Yes. That's where I filled out a document with my
6 information and submitted my own video evidence.

7 **Q.** And is this document in front of you the SIU website
8 that you went to?

9 **A.** It appears to be the same logo, yes.

10 **Q.** Okay. So you recognize this document -- or you
11 recognize this website, I should say?

12 **A.** I recognize the -- the insignia and "SIU."

13 MR. AARON: So on this website, if you scroll
14 up, Ms. Brzezicki --

15 **Q.** MR. AARON: So on this website that you went
16 to yourself, I'm showing you a document. It says
17 siu.on.ca in the web address: (as read)

18 News release: SIU closes investigation
19 into reported serious injury of woman at
20 Ottawa protests; woman not seriously
21 injured.

22 Do you see that?

23 **A.** Yes, I see it.

24 **Q.** All right. And the case number is 22-TOI-502? Do you
25 see that?

1 **A.** Yes.

2 **Q.** And it says, "Mississauga, Ontario, 4 April, 2022"?

3 **A.** Yes.

4 **Q.** Okay. And it says: (as read)

5 The director of the Special

6 Investigations Unit, Joseph Martino --

7 **MR. MILLER:** You're reading the whole thing.

8 I'm objecting to you putting it to him because you

9 haven't led -- you've led the foundation for the

10 website, but you haven't got him to say he's familiar

11 with this document.

12 Second, it's not in evidence in Merck and Frosst.

13 You're trying to put in the outcome of a proceeding

14 that he may or may not know about. So you can ask him

15 if he's familiar with this --

16 **MR. AARON:** Please don't tell me what I can

17 ask him. Just state your objection, please,

18 Mr. Miller, and then stop. I don't need your -- your

19 legal advice about what I can ask him.

20 **MR. MILLER:** Thank you. It's the same one

21 previously as has been over and over again, is that you

22 need to ask whether or not he's --

23 **MR. AARON:** Mr. Miller --

24 **MR. MILLER:** It's the same -- it's the same

25 objection. You need to ask if he has knowledge of this

1 document prior to you putting it to him. That's all
2 you have to do.

3 MR. AARON: Mr. Miller, it's 5:21 local time.

4 If I have to continue to listen to you tell me how to
5 litigate a case, we're going to be here a long time.

6 So state your objection, and then I'd appreciate if you
7 didn't give me advice about how to conduct my legal
8 practice, okay, because that's inappropriate.

9 MR. MILLER: Well, objection on the grounds
10 that he has not identified that he has knowledge of the
11 document.

12 MR. AARON: That's a -- that's a perfectly
13 fine objection. Just don't go into the part about what
14 I should be asking instead and what I'm doing wrong.

15 OBJECTION TAKEN to putting a document to the witness from
16 the SIU website regarding case number 22-TOI-502

17 Q. MR. AARON: So, Mr. Jost, you have identified
18 this website as the website that you went to to
19 determine what the Special Investigations Unit was that
20 was investigating the horse trampling incident,
21 correct?

22 A. I -- I don't recall ever going to the website. I was
23 sent a specific link that took me to a specific page on
24 my mobile phone that was already ready for me to fill
25 out the information and upload the video.

1 **Q.** You told me earlier that you went to this website,
2 though.

3 **A.** To my understanding, it would have been obviously the
4 SIU URL but with something else, so I don't know -- it
5 was on my phone, and I only saw one page.

6 **Q.** But as you say, obviously because it's obvious that
7 this is the SIU website because it says "Special
8 Investigations Unit, SIU," and the URL says siu.on.ca,
9 correct?

10 **A.** Correct. Again, I went to a mobile link on my phone
11 that just had information for me to fill out.

12 **Q.** And do mobile links on your phone differ from web links
13 that we can see on a computer?

14 **A.** The appearance and the layout do, absolutely.

15 **Q.** Right. And so you have absolutely no way of being able
16 to tell if this website is the same one that you saw on
17 your phone?

18 **A.** It -- when I went to it, I -- I didn't know for sure if
19 it was the website. So, no, I don't have any way to
20 know for sure.

21 **Q.** Okay. So you talked about an incident that you filmed
22 involving a police horse trampling a woman that
23 traumatized you. Are you aware -- and you said you're
24 aware that there was an organization that was
25 investigating the horse trampling unit, and you said

1 that that was the Special Investigations Unit, correct?

2 **A.** That's correct.

3 **Q.** Okay. And are you aware of the outcome of that
4 investigation by the Special Investigations Unit?

5 **A.** No, I'm -- I'm not aware. To -- to my best
6 recollection, this is the first time I've ever seen
7 this document and, quite frankly, upsets me.

8 **Q.** But you know that -- you knew that the SIU was
9 conducting an investigation, correct?

10 **A.** Yes. As I stated, I submitted myself as a volunteer to
11 testify but was not contacted.

12 **Q.** And you were deeply traumatized, as you say in your
13 affidavit, by this horse trampling incident, correct?

14 **A.** Absolutely --

15 **Q.** And you felt it was a severe example of police
16 brutality?

17 **A.** Whether it was an accident or not --

18 **Q.** It was police brutality in your view, though?

19 **A.** In my opinion, the police caused a brutal act. Whether
20 intentional or not, I'm not stating.

21 **Q.** And so despite being traumatized and taking this video
22 and being traumatized deeply by it and despite being
23 aware that the SIU was conducting an investigation into
24 this traumatizing event and despite your view that it
25 was an example of police brutality, you didn't take any

1 steps to determine what the SI -- the status of the
2 SIU's investigation?

3 A. No. Again, I was sent a link to the SIU and submitted
4 my evidence because I really wanted justice for that
5 woman who was trampled.

6 Q. Were you curious about what the SIU's investigation --
7 pardon me. Were you curious about the outcome of the
8 SIU's investigation?

9 A. Absolutely. I just thought for sure they would contact
10 the person who was 2 feet from it happening.

11 Q. You knew they had -- you knew the SIU had a website,
12 right?

13 A. Yes, I would have assumed they had one.

14 Q. Well, you saw it on your mobile phone?

15 A. Again, to the best of my knowledge, that is what I
16 assumed it to be.

17 Q. But you decided to wait for the SIU to contact you and
18 tell you about the outcome of their investigation as
19 opposed to, say, going to their website and looking
20 into it yourself?

21 A. I -- I -- at this point, I did not investigate further.
22 I had heard reports from the woman herself. Relatives
23 had contacted me saying she was okay. She hurt her
24 shoulder.

25 MR. AARON: Okay. I would like to have both

1 the SIU mandate webpage and the SIU news release marked
2 as a full exhibit to this cross-examination.

3 MR. MILLER: Absolutely not. Objection.

4 MR. AARON: The witness has said that he
5 recognizes the SIU website. And what's -- what's the
6 basis of your objection?

7 MR. MILLER: Because he recognized the website.
8 He didn't recognize either of the documents, sir. Just
9 because he knows that siu.on.ca is the website does not
10 lay a foundation for this hearsay to be admissible as a
11 full exhibit.

12 MR. AARON: All right. Well, let's mark them
13 as -- for identification purposes, then.

14 EXHIBIT E FOR IDENTIFICATION - A copy
15 of an SIU mandate webpage

16 EXHIBIT F FOR IDENTIFICATION - A copy
17 of an SIU news release

18 MR. AARON: Sorry. There was quite a loud
19 noise. Does anyone know what that was?

20 A. No.

21 COURT REPORTER: I didn't hear any loud noise.

22 MR. AARON: Okay. Maybe it's just on my end.

23 Q. MR. AARON: Okay. So we're getting to the end
24 of my questions, Mr. Jost, and I thank you. You've
25 been very patient in -- over what's been admittedly a

1 long day, and so I thank you for hanging in there, and
2 we're getting close to the end.

3 So I want to go back to the Facebook video, the
4 Alberta video, as we've called it, that's marked as the
5 first exhibit. Just give me one second, please.

6 MR. AARON: So if we could go, Ms. Brzezicki,
7 to the time marker of 8:45. You can go from there.
8 That's fine. Play it -- play it until 9:06, please.

9 (VIDEO CLIP PLAYED)

10 MR. JOST: ...kept on
11 asking me right away, "So who's the
12 leader? Who organized it?" And there
13 was a few people who did specific
14 things, like Tamara Lich created the Go
15 Fund Me, but -- but people were just
16 getting in their vehicle and -- and
17 getting on the road.

18 So this photo was taking at -- was
19 taken at about probably 11:30, and I
20 called my dad. I called a few brothers,
21 and I just said, "Look, am I crazy for
22 wanting to go on this thing? It's late
23 at night, and we'd have to drive through
24 the night." And they said, "No. Like,
25 if -- if you feel that God wants you to

1 go on this, just go." And so after
2 that, I --

3 MR. AARON: That's good. Thank you. You can
4 stop it there, Ms. Brzezicki.

5 Q. MR. AARON: And so you're recounting here in
6 the Alberta video, Mr. Jost, that you had a
7 conversation with your father and others, and you told
8 him that you were going to go to the -- you're thinking
9 of going to the protests in Ottawa, correct?

10 A. I was thinking of joining the convoy to Ottawa. We had
11 no intentions of staying in Ottawa at the time.

12 Q. Okay. And your -- your father told you that if God
13 wanted you to go to the convoy, then you should go?

14 A. No. That was -- that was my own take on whether to go.
15 I had listened to an app called Zello where kids from
16 around Canada were tuning in thanking truckers, and I
17 was in tears. There were kids asking --

18 Q. I'm not sure what question you're answering, though, at
19 this point, Mr. Jost --

20 A. I'm answering whether you thought -- I thought God
21 wanted me to go.

22 Q. That's right. So -- so I -- I don't need an
23 explanation about the Zello app or anything else. I
24 just asked you if -- you know, if your father said to
25 you that if God wants you to go, you should go; and you

1 said no, that wasn't your father. That was your view.
2 So my next question is, Is it your view that God wanted
3 you to go to the convoy?

4 **A.** That's -- my personal opinion is absolutely.

5 **Q.** And is that based on your faith?

6 **A.** It's based on things that I cannot put into words nor
7 testify on this Zoom.

8 **Q.** I'm not sure what you mean by that. I mean, did God
9 tell you to go to the convoy? Is that what you're
10 saying?

11 **A.** I cannot explain to somebody who does not believe in
12 God how God directs you. It's like explaining what the
13 wind looks like.

14 **Q.** Right. And are you suggesting that I don't believe in
15 God?

16 **A.** No, I'm not presuming --

17 **Q.** So -- oh. So who are -- who are you presuming doesn't
18 believe in God?

19 **A.** I'm not presuming that anyone believes in God. I'm not
20 saying -- I'm not presuming anyone doesn't.

21 **Q.** Okay. But you said that you can't explain to somebody
22 who doesn't believe in God. So who is that you're
23 referring to?

24 **A.** I don't know. That -- that's, okay, speculating.

25 **MR. AARON:** Okay. Could we go to 28:49,

1 please?

2 (VIDEO CLIP PLAYED)

3 MR. JOST: ...from all
4 across Canada were kind of bringing
5 their stuff and bringing their games and
6 playing street hockey, and it was
7 amazing. Here is me doing an interview
8 with Global, which I was not intending
9 to do. I was going to avoid any
10 mainstream media, but I got talking to
11 them, and they started filming, and then
12 I was like, oh, okay. So --

13 UNIDENTIFIED SPEAKER: And he didn't
14 know that it was livestreamed. He
15 didn't know. He thought it would be --

16 MR. JOST: I was like
17 I've done interviews with people before,
18 and, like, they've never used it. When
19 CBC was out here and they interviewed
20 me, I opened my mouth too big. There
21 was no way that --

22 MR. AARON: You can stop the video there.

23 **Q.** MR. AARON: So you did an interview with
24 Global News, correct?

25 **A.** Correct.

1 **Q.** And do you remember what the interview was about?

2 **A.** Correct, yes.

3 **Q.** What was it about?

4 **A.** I explained why I believed the protesters were there.
5 I explained some of my concerns with the government
6 overreach and why I was there. I told a story of a
7 mutual friend who died in a car because he was not
8 allowed to go into a restaurant, so he sat in his car
9 for too long, and the carbon monoxide killed him. I
10 was just trying to bring awareness to the other side of
11 the debate.

12 **Q.** Okay. Thanks. I'm sorry to hear about your friend.
13 That's awful.

14 **A.** Thank you.

15 **Q.** But you say that you didn't intend to do an interview
16 with the mainstream media. Is that because you
17 distrust the mainstream media?

18 **A.** It's because of -- from my personal experiences at the
19 protest, the journalists were trying -- in my opinion,
20 were trying to get a certain footage before they even
21 showed up rather than trying to just investigate the
22 truth, so I didn't want to be manipulated.

23 **Q.** Okay. You said that you spoke to local people who
24 didn't have any trouble with the horns that were
25 blaring, correct?

1 **A.** Correct.

2 **Q.** And -- but you said you don't remember the names of
3 those people, correct?

4 **A.** Correct.

5 **Q.** Okay. Where did you meet them?

6 **A.** On Wellington Street, just in -- in the crowds of
7 people, having conversations with different people. I
8 talked to hundreds of people over my time there.

9 **Q.** And they told you they lived in Ottawa?

10 **A.** Yeah, he actually -- he said, "I've been" -- what he
11 said to me was, "I've been seeing on the news and
12 people are saying they can't sleep at all -- or
13 claiming that they can't sleep at all." He said, "But
14 I live right up there," and he pointed to an upper
15 residential building, and he said, "I have no problem
16 sleeping."

17 **Q.** Okay. Where was that building located?

18 **A.** I -- I don't know the exact address of the building,
19 but we were talking on Wellington Street, and he
20 pointed in a direction, so to the best of my
21 recollection, it would have been inside that
22 37-city-block area.

23 **Q.** Okay. Is there anyone else who told you, besides this
24 individual, that they had no trouble with the horns?

25 **A.** Yes. There -- there were multiple others.

1 **Q.** Okay. So -- so you didn't get the names of those
2 either, I take it, those individuals?

3 **A.** No. If I had known I was going to be a part of this
4 court case, I would have carried a little notebook with
5 me.

6 **Q.** Okay. So these other individuals who told you they
7 weren't bothered by the horns, where did they live?

8 **A.** Again, in that -- in that area. I remember speaking to
9 a gentleman, and I have a picture with him on my
10 Facebook. He said he didn't really leave his house for
11 two weeks because of fear from what the media was
12 telling him. He -- he said that it was violent -- he
13 had read that it was violent and you were probably
14 going to get yelled at or things were thrown at you.
15 So he went out to check it out the one day, and he said
16 he absolutely loved the atmosphere, and he was going to
17 bring friends with him tomorrow.

18 **Q.** Do you know the address that he lived at? I know it's
19 within the 35 blocks, but do you know what the address
20 was?

21 **A.** No, I don't. All I know is he -- he walked there to
22 Parliament Hill and said he lived close.

23 **Q.** He lived close because he walked there?

24 **A.** No, he lived close because he said he lived really
25 close.

1 **Q.** Okay. And you say in the video -- I won't play it for
2 you unless you want me to, but you say in the video
3 that you saw lots of people walking past truckers and,
4 as you were describing earlier, sort of putting their
5 hand over their head and pulling in a downwards motion
6 to encourage the truckers to pull their horns. Do you
7 recall saying that?

8 **A.** Yes, I do.

9 **Q.** Okay. And you say in the video, "We saw that like
10 crazy all over the very first day." Do you recall
11 saying that?

12 **A.** Yes.

13 **Q.** What do you mean by that: You saw that like crazy all
14 over the very first day?

15 **A.** The very first day, the convoy had been travelling for
16 a week, and there's tens of thousands of people, and it
17 was almost like these -- a lot of these people hadn't
18 heard a truck horn before. I was -- I was a little
19 baffled by it, but there was just so much excitement.
20 Everybody felt like they were finally unified as a
21 country. And so there was a lot of excitement and a
22 lot of cheering and, as I stated, a lot of people
23 wanting to hear a horn up close.

24 **Q.** Did you continue to see people making that hand gesture
25 throughout your time at the convoy -- the protest?

1 Pardon me.

2 A. On that first day, I saw several. Beyond that, I maybe
3 saw one or two or three.

4 Q. No more than three?

5 A. Again, to the best of my recollection, as I said
6 before, there was at least -- at least one instance
7 where a lady walked up, asked for it, and the guy said,
8 "I'm sorry. I can't."

9 Q. Okay. You talk in the video -- and, again, I can bring
10 this up, but just in the interests of time, I'll tell
11 you what you say, and if you --

12 A. That's fine.

13 Q. -- disagree, we can go to the video. So you're talking
14 about reports in the media that protesters had stolen
15 food from a homeless shelter. Do you recall that --
16 those allegations in the meeting?

17 A. Yes.

18 Q. And you state that those were completely false,
19 correct?

20 A. To the research I did on the ground, I believe them to
21 be false, correct.

22 Q. And you say that it's your opinion that the homeless
23 shelter was paid off by the government, correct?

24 A. That was a speculation. I'm -- I'm not stating that.

25 Q. Well, you stated it in the video, didn't you?

1 **A.** Yes, that -- that is me speculating in the video.

2 **Q.** But everything -- you told me earlier that everything
3 in the video was truthful to the best of your
4 knowledge?

5 **A.** Yes, and you can play the video, if you'd like, but --

6 **Q.** Would you like -- would you like me to?

7 **A.** Sure.

8 MR. AARON: So, Ms. Brzezicki, it's at 38:10,
9 please.

10 (VIDEO CLIP PLAYED)

11 MR. JOST: ...that was
12 really hard because we immediately went
13 there, and I started investigating,
14 Well, what happened at the homeless
15 shelter? And immediately, we -- later
16 on, we found out that one person had
17 gone in there and asked for soup, and
18 that was their story.

19 And then another -- another story,
20 we heard that there was -- right across
21 the street from the hotel was a hotel
22 that offers free rooms to truckers. And
23 some of the homeless people were
24 breaking into trucks and causing some --
25 some havoc. And so there was a little

1 bit of intensity, but there was no --
2 nobody went in there to steal food, and
3 there was no fights or anything. I
4 believe that, this is my personal
5 opinion, the homeless shelter was paid
6 off or funded by the government and by
7 the City of Ottawa, and the mayor wanted
8 us out of there --

9 MR. AARON: Okay. You can stop it there.

10 That's the end of what I was talking about.

11 Q. MR. AARON: So that video is you talking in
12 the Alberta video about this incident with allegations
13 that food was stolen by protesters from a local
14 homeless shelter. And you say that, in your view, that
15 was -- pardon me, that the homeless shelter was paid
16 off by the government and the City of Ottawa. So which
17 government are you referring to?

18 A. I'm referring to -- in my speculation, I'm referring to
19 the Canadian government.

20 Q. Okay. So you have no idea if that statement is
21 actually true? It's just speculation?

22 A. Correct, and that's why I prefaced it with and this is
23 just my belief.

24 Q. Right. So you have nothing to base that belief on
25 other than your speculation?

1 **A.** Yes.

2 **Q.** Okay. And you also said that you believe the whole
3 homeless shelter story was fabricated. Do you recall
4 saying that?

5 **A.** I believe that there may have been very small parts of
6 events that happened, as I explained in the video, and
7 then the entirety of the way the media blew it up, I
8 believe that it was an exaggeration and false.

9 **Q.** Do you believe it was a fabrication?

10 **A.** Again, this is my personal speculation. I do.

11 **Q.** And that's based not on any facts but on your
12 speculation, correct?

13 **A.** It's based on the interviews and the investigation I
14 did on the ground in Ottawa while I was there.

15 **Q.** Okay. And so you conducted an investigation into this
16 homeless shelter allegation?

17 **A.** That's correct, including talking to police from what I
18 believe were from Peel County.

19 **Q.** My question was just whether you conducted an
20 investigation. So you conducted an investigation into
21 these allegations yourself?

22 **A.** If you want to call it as an official investigation.
23 It's more me playing Sherlock Holmes trying to ask
24 questions and go around and see what actually happened
25 because I -- I really want to know the truth.

1 **Q.** Okay. And later on in the video, you talk about the
2 fact that after the Emergencies Act came into effect,
3 you received money transfers and cash from individuals,
4 and you took that cash and distributed it to various
5 truckers. Do you recall saying that?

6 **A.** Yes, I do.

7 **Q.** And you did that after the Emergencies Act was in
8 effect?

9 **A.** That's correct.

10 **Q.** And you knew that by doing that, you were violating the
11 Emergencies Act?

12 **A.** That's correct.

13 **Q.** But you were able to do it anyway?

14 **A.** Because I have a very small bank that's just a local
15 branch -- it's called an ATB -- I believe I was able to
16 do that under the radar, as many people in larger banks
17 were not able to do that.

18 **Q.** Okay. But you were carrying a thousand dollars in cash
19 and distributing it to truckers, correct?

20 **A.** More than that.

21 **Q.** More than that. And you were doing that after the
22 Emergencies Act was in effect?

23 **A.** That's correct.

24 **Q.** And you were able to do that?

25 **A.** Very discreetly, yes.

1 Q. That's fine, but you were able to do it?

2 A. Yes, I was able to do that.

3 Q. And you talk about an incident after -- sorry. Just
4 one second.

5 MR. AARON: Okay. Let's go to 2 hours and 13
6 minutes and 45 seconds, please, Ms. Brzezicki, of the
7 same Alberta video.

8 MS. BRZEZICKI: I'm sorry. Could you please
9 repeat the time? 2:13 --

10 MR. AARON: 2 hours, 13 minutes, and 45
11 seconds.

12 MR. BRZEZICKI: I'm at 2:13:40. Okay. I'm just
13 going to play.

14 (VIDEO CLIP PLAYED)

15 MR. JOST: ...and I'd
16 just encourage everybody to really
17 make -- make this about our civil rights
18 and asking our civil servants, who are
19 paid by us, to start defending those
20 civil rights.

21 Anyways, just a little, cool story
22 of something that's going on in my life.
23 During our time in Ottawa, I was
24 contacted by a civil rights -- or Centre
25 for Justice and Civil Rights lawyer, and

1 he started asking me -- apparently he
2 knew me and was asking me questions.
3 And he's like, "Do you know what this --
4 the new law means and how it's illegal
5 for you?" And he's like, "Have you --
6 have you helped financially with these
7 truckers?" And I was like, okay, I
8 don't know who this guy is. I said, "I
9 can't disclose that at this time." And
10 then the more I chatted with him, I was
11 like, okay, he's on my side.

12 And they were looking for people
13 to step forward and use their footage
14 and their testimony on the ground in a
15 court case against the federal
16 government. And so I kind of --
17 Christina was like, "Don't take it.
18 You've got too much on your plate, and
19 you don't know what's -- what's it going
20 to be and everything." And we prayed
21 about it and really felt like you know
22 what? That's probably one of the
23 biggest reasons I need to take it, is
24 because no one else is going to want to
25 take this.

1 So the last few days have been
2 pretty hectic. This was two days ago or
3 the day -- yesterday. We went up to
4 Calgary, and we finished our affidavit.
5 And basically, there are four main
6 lawsuits going against the government
7 right now because of their use of the
8 Emergency Act, but three of those are
9 just corporations.

10 In our lawsuit, there's, I think,
11 three other people, and they're all
12 ex-military, ex-cop, and I'm the only
13 civilian. And so I had no idea when I
14 was taking pictures of, like, kids
15 playing or all these random pictures
16 that one day, they were going to get
17 stamped as Evidence B and Evidence C.

18 So basically, this -- this -- I'm
19 going to get cross-examined in the next
20 couple of weeks, and the -- the case
21 will probably go to court within a year
22 or -- or longer. But there's a lot
23 of -- the Alberta Justice attorney,
24 apparently this day actually, sent out
25 an email saying he's getting behind

1 this. And these lawyers are saying it's
2 one of their biggest cases they've ever
3 done. He's like, "Law students are
4 going to look at this case from a
5 year -- a hundred years from now to
6 study.

7 UNIDENTIFIED SPEAKER: And we didn't
8 know it was going to be this big.

9 MR. JOST: And I was kind
10 of like, What did I sign up for?

11 **Q.** MR. AARON: Okay. So we just played the audio
12 of the Alberta video where you're describing your
13 meetings with some constitutional lawyers where they
14 recruited you to take part in this litigation. And up
15 on the screen behind you in the -- what we've been
16 calling the Ottawa video, though I don't think this is
17 Ottawa, is a picture of four people, correct?

18 **A.** Correct.

19 **Q.** And looking at the screen, is that you on the left?

20 **A.** That's correct.

21 **Q.** Okay. Who are the other three people at the table?

22 **A.** That is Brendan on the right and Bath on the middle and
23 Ector, I believe.

24 **Q.** Okay. So when you say "Brendan," is that Brendan
25 Miller --

1 **A.** Correct.

2 **Q.** -- your lawyer? Okay. And you said Beth? Did I hear
3 you correct?

4 **A.** Bath, Bath-Shéba, yeah.

5 **Q.** And who is she?

6 **A.** She is also one of the lawyers in this case, I believe.

7 **Q.** Okay. And the last person you said is Mr. Ector?

8 **A.** Yes, I believe so.

9 **Q.** Okay. And who is he?

10 **A.** He's another lawyer in this case.

11 **Q.** Okay. And you referenced in the video that you
12 finished "our affidavit." Why do you refer to the
13 affidavit as "our affidavit"?

14 MR. MILLER: I'm going to object at that point.
15 It's privileged and litigation privilege.

16 MR. AARON: It's not privileged, Mr. Miller.
17 He's talking to an audience of hundreds of people, and
18 he says that. So if anything is privileged, he's
19 clearly waived it through this video. So --

20 MR. MILLER: So he's -- he's waived what he
21 said. You have that. I'm objecting.

22 MR. AARON: He's waived what he said, and I
23 would like to know why he said it.

24 **A.** Can I answer?

25 MR. MILLER: Go ahead.

1 **A.** When I say "our affidavit," I completely refer to my
2 personal affidavit 100 percent. When -- I'm not a --
3 I'm not a lawyer, so I need legal representation. I
4 need a lawyer to help me create and consult me on my
5 affidavit, and that's why I said "our," nothing more.

6 **Q.** MR. AARON: Okay. So did the lawyers help you
7 craft your affidavit?

8 MR. MILLER: Objection.

9 MR. AARON: He just said that that's the case,
10 so I'm having trouble understanding the objection.
11 You're pulling your hair again, Mr. Miller. Please
12 stop doing that.

13 MR. MILLER: Objected to. Litigation
14 privilege.

15 MR. AARON: I disagree, but we can move on.

16 OBJECTION TAKEN to answering the question: So did the
17 lawyers help you craft your affidavit?

18 **Q.** MR. AARON: The lawyers told you that this is
19 one of the biggest cases they've ever done. You state
20 that in the Alberta affidavit, correct?

21 **A.** They did not tell me that personally. I miss -- I --
22 he didn't tell me that directly, no.

23 **Q.** So why did you say it?

24 **A.** I heard him -- I heard him say it while talking to
25 somebody else.

1 Q. And who is "him"?

2 A. I believe his name is Blair Ector.

3 Q. Okay. And so you heard Blair Ector telling somebody
4 that this was one of the biggest cases he's ever done?

5 A. He didn't clarify anything about the case. He just
6 said, "I'm working on a big case. I can't talk right
7 now."

8 MR. AARON: Okay. Can we go to 2:17:01?

9 (VIDEO CLIP PLAYED)

10 MR. JOST: ...at laws.
11 They get to decide a lot of things
12 because of this Emergency Act, but these
13 lawyers want to see the Emergency Act
14 completely removed from the Constitution
15 altogether because it is just a
16 straight-up trump card on our --

17 MR. AARON: Okay. You can stop it there.

18 Q. MR. AARON: So you say these lawyers want to
19 see the Emergencies Act removed from the Constitution
20 altogether, correct?

21 A. That's what I said in the video, correct.

22 Q. Yeah. And everything you said in the video is true?

23 A. Everything I recall in the video is as accurate as it
24 can be to my own remembrance. I did not write down or
25 prepare any of this, so once I got into the lawyer

1 thing, I wasn't even sure if I was going to share about
2 it. So, again, my statements with these -- with the --
3 my conversation with the lawyer were very brief and not
4 very thought-out.

5 **Q.** Oh, okay. But you say in the video -- the Alberta
6 video that your lawyers want to see the EA removed from
7 the Constitution. Which lawyers did you hear that
8 from?

9 **A.** I don't recall a specific lawyer. I'm also referring
10 to just in general from other law experts that I've
11 heard of unnamed who believe that the Emergencies Act,
12 in its entirety, is not constitutional.

13 **Q.** Which law experts are those?

14 **A.** Again, I -- I don't know the names. This is just in
15 life in conversation.

16 **Q.** Do any of those law experts work for the Justice Centre
17 for Constitutional Freedoms?

18 **MR. MILLER:** Objection. Privileged.

19 **OBJECTION TAKEN** to answering the question: Do any of those
20 law experts work for the Justice Centre for
21 Constitutional Freedoms?

22 **Q.** **MR. AARON:** Is the Justice Centre for
23 Constitutional Freedoms paying for this litigation on
24 your behalf, Mr. Jost?

25 **MR. MILLER:** Objection. Privileged.

1 OBJECTION TAKEN to answering the question: Is the Justice
2 Centre for Constitutional Freedoms paying for this
3 litigation on your behalf, Mr. Jost?

4 Q. MR. AARON: Mr. Jost, are you aware of an
5 organization called the Justice Centre for
6 Constitutional Freedoms?

7 MR. MILLER: Objection. Irrelevant.

8 OBJECTION TAKEN to answering the question: Mr. Jost, are
9 you aware of an organization called the Justice Centre
10 for Constitutional Freedoms?

11 Q. MR. AARON: So you say that the lawyers want
12 to see the Emergencies Act removed from the
13 Constitution. Do you share that view, Mr. Jost?

14 A. I think -- I think the Emergencies Act in its entirety
15 needs to either be modified or removed, yes.

16 Q. And you want it removed from the Constitution?

17 A. Again, either modified or removed.

18 Q. Okay. So you share that view with your lawyers?

19 MR. MILLER: Well, objection. That's -- that's
20 a pretty speculative question given how he's answered
21 it, so you're trying to say that --

22 MR. AARON: Yeah.

23 OBJECTION TAKEN to answering the question: So you share
24 that view with your lawyers?

25 Q. MR. AARON: So, Mr. Jost, that concludes my

1 cross-examination. You have been extremely cooperative
2 over what has been a very long day, and I wanted to
3 thank you for your cooperation. And, as I say, you've
4 been very cooperative, so thank you very much for all
5 of your answers and for taking part today.

6 MR. AARON: And if it's okay with you,
7 Mr. Miller, we can go off the record.

8 MR. MILLER: Yeah, I have no redirect.

9 MR. AARON: Actually, you know what --
10 before -- just one last thing before we go off the
11 record, if you don't mind. Can I just have 2 minutes
12 with my colleagues, please, to -- I just want to make
13 sure that I'm not missing anything. So if you could
14 maybe put us into a breakout room, madam court
15 reporter. It won't be more than a couple minutes.

16 MR. MILLER: That's fine. So just to be clear,
17 I'm waiving that you closed your questioning, and I'm
18 going to permit you to talk to your colleagues and see
19 if you have more questions for the witness.

20 So, Mr. Jost, you're still under
21 examination. You can't talk to anybody.

22 MR. AARON: Thank you. Thank you, Mr. Miller.
23 That's generous of you. I appreciate it.

24 (DISCUSSION OFF THE RECORD)

25 Q. MR. AARON: So, Mr. Miller, I have no further

1 questions. I'll just -- I'll conclude my -- my
2 cross-examination obviously subject to any objections
3 that have to be determined by the Court, and if there
4 are any orders that the questions be answered, then
5 we'll come back for those. But otherwise, my
6 cross-examination is concluded.

7 MR. MILLER: Thank you. And I have no redirect
8 still. So that's that.

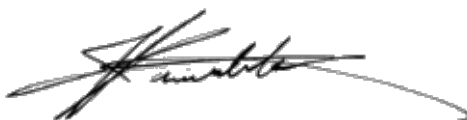
9 _____
10 (Proceedings ended at 4:10 p.m.)
11 _____

Certificate of Transcript

I, the undersigned, hereby certify that the foregoing pages 1 to 214 are a complete and accurate transcript of the proceedings taken down by me in shorthand and transcribed from my shorthand notes to the best of my skill and ability.

I further certify that this questioning was conducted in accordance with the Alberta Protocol for Remote Questioning, Revised 05/05/2020.

Dated at the City of Calgary, Province of Alberta, this 26th day of June, 2022.



Justyne Kawalilak,
CSR(A), RPR, BA(Hons)
Official Court Reporter

1 - I N D E X -

2 JEREMIAH JOST

3 June 15, 2022

4 The following is a listing of exhibits, undertakings and
5 objections as interpreted by the Court Reporter.

6 The transcript is the official record, and the index is
7 provided as a courtesy only. It is recommended that the
8 reader refer to the appropriate transcript pages to ensure
9 completeness and accuracy.

10

11 ***EXHIBITS***

12 EXHIBIT 1 - A copy of an Alberta video speaking 42
13 about Mr. Jost's experiences at the Trucker
14 Convoy, and the video also contains a playback of
15 his Ottawa video

16

17 EXHIBIT A FOR IDENTIFICATION - A copy of a 73
18 photograph of people carrying five flags,
19 including one with a swastika

20

21

22

23

24

25

1	EXHIBIT B FOR IDENTIFICATION - A picture depicting	75
2	the Peace Tower in the background with part of the	
3	word "assassin" and the title "'Freedom convoy'	
4	rolls through Ottawa encouraging the participation	
5	of Canada's far-right" on it	
6		
7	EXHIBIT C FOR IDENTIFICATION - A copy of an	80
8	article from NPR with the title, "The Ottawa	
9	trucker protest is rooted in extremism, a national	
10	security expert says"	
11		
12	EXHIBIT D FOR IDENTIFICATION - A copy of a	91
13	document with the words "The Link" in the upper	
14	left-hand corner and a title that says, "Ottawa's	
15	Exasperating Tailgate," and it has a picture of a	
16	red winter jacket with a yellow star on the pocket	
17		
18	EXHIBIT 2 - A copy of a zoomed-in picture of a red	92
19	jacket with a yellow star with the words "Non	
20	Vaxx" on it	
21		
22	EXHIBIT 3 - A video depicting fireworks going off	110
23	in front of the Parliament buildings	
24		
25		

1 EXHIBIT E FOR IDENTIFICATION - A copy of an SIU 190
2 mandate webpage
3

4 EXHIBIT F FOR IDENTIFICATION - A copy of an SIU 190
5 news release
6

7 ***UNDERTAKINGS REQUESTED***

8 No undertakings were requested.
9

10 ***OBJECTIONS***

11 OBJECTION TAKEN to answering the question: But 16
12 you just told me that you left between 6 and the
13 last O-Train, and now you're saying 4, so which is
14 it?
15

16 OBJECTION TAKEN to answering the question: So you 48
17 can't speak to what exists at the border crossings
18 that you haven't been to yourself, correct?
19

20 OBJECTION TAKEN to answering the question: Why 53
21 didn't you?
22
23
24
25

OBJECTION TAKEN to answering the question: So if an 18-wheeler truck carrying commercial goods for export between Canada and the U.S. wishes to cross the border in Alberta, can it do it at any of the six border crossings that you have identified in your affidavit?

OBJECTION TAKEN to answering the question: And as 62
a result of the Emergencies Act and associated
regulations, you were prohibited from protesting
in designated areas of downtown Ottawa between
February 14th when it came into effect and
February 23rd when it was revoked, right?

OBJECTION TAKEN to answering the question: You 79
would agree with me, though, that if you saw the
Confederate flag in Ottawa, you would remember it
because of its significance as a symbol of hatred?

OBJECTION TAKEN to answering questions on Exhibit 96
Y to the Coleman affidavit

OBJECTION TAKEN to answering the question: Did I read that correctly?

1 OBJECTION TAKEN to answering the question: And so 111
2 you'd agree with me that setting off these
3 fireworks would be disruptive to the citizens of
4 downtown Ottawa?

5
6 OBJECTION TAKEN to answering the question: Do you 112
7 agree with me that having horns honking outside
8 your window and fireworks being set off outside
9 your window is detrimental to a person's well
10 being?

11
12 OBJECTION TAKEN to answering questions on Exhibit 114
13 S of the Coleman affidavit
14

15 OBJECTION TAKEN to answering the question: Do you 115
16 see on this page, there's a picture of a woman?
17

18 OBJECTION TAKEN to answering the question: So the 115
19 author of this document is Leah Larocque?
20

21

22

23

24

25

1 OBJECTION TAKEN to answering the question: And 115
2 this document, according to what you see in front
3 of you, is published January 31, 2022, at 6:59
4 p.m. EST. That's what it says on the document,
5 Mr. Jost?

6
7 OBJECTION TAKEN to answering the question: You 116
8 scroll down and it says, "Stress and anxiety for
9 downtown residents"?

10
11 OBJECTION TAKEN to answering the question: Do you 116
12 see those words?

13
14 OBJECTION TAKEN to answering the question: And 120
15 the title says, "Some residents in downtown Ottawa
16 standing up to the trucker convoy." Do you see
17 those words?

18
19 OBJECTION TAKEN to answering the question: This 120
20 document says on it the words, "Published February
21 1st, 2020, 5:56 p.m. Eastern Standard Time." Do
22 you see those words on this document, Mr. Jost?

23
24
25

1 OBJECTION TAKEN to answering the question: Based 121
2 on your own experiences in the protest, you would
3 agree with me that it would have been difficult
4 for seniors living in the protest zone to get
5 access to their prescriptions?

6
7 OBJECTION TAKEN to answering the question: Do you 123
8 see those words, Mr. Jost?

9
10 OBJECTION TAKEN to answering the question: It 125
11 says, "Truckers protest in Ottawa causing anxiety
12 and increased fear. Published February 3, 2022."
13 Do you see these words, Mr. Jost?

14
15 OBJECTION TAKEN to answering the question: In 127
16 your experience at the protests, Mr. Jost, did you
17 see anything that would have introduced anxiety or
18 fear for Indigenous members of the Ottawa
19 community?

20
21 OBJECTION TAKEN to answering the question: 128
22 "Residents living with disability fear homecare
23 won't come out due to protests." Do you see these
24 words, Mr. Jost?

25

1	OBJECTION TAKEN to answering the question: Do you	129
2	see those words?	
3		
4	OBJECTION TAKEN to answering the question: Do you	129
5	see those words?	
6		
7	OBJECTION TAKEN to answering the question: First	132
8	of all, you would agree with me that the handheld	
9	horn that you said was a joke may not have been	
10	perceived as a joke by residents living in the	
11	protest area?	
12		
13	OBJECTION TAKEN to answering the question: When	135
14	you saw those people who were honking the handheld	
15	horns which you say they were doing as a joke, you	
16	would agree with me that that was still a	
17	violation of the injunction, correct?	
18		
19	OBJECTION TAKEN to answering the question:	135
20	Mr. Justice McLean's order that I just provided to	
21	you and that I gave you an opportunity to read, it	
22	prohibited the honking of horns, correct?	
23		
24		
25		

1 OBJECTION TAKEN to answering the question: You 137
2 would agree that these handheld horns that were
3 emitting noise, a honking noise, after Mr. Justice
4 McLean's injunction came into effect violated that
5 injunction?

6
7 OBJECTION TAKEN to answering the question: So you 145
8 knew the protesters were violating the injunction,
9 but you didn't take steps to try to stop them from
10 violating the injunction?

11
12 OBJECTION TAKEN to answering the question: And 150
13 you'd agree with me, though, that not everybody
14 who owns a business in downtown Ottawa was
15 thrilled to have the trucker convoy in downtown
16 Ottawa?

17
18 OBJECTION TAKEN to answering the question: So it 151
19 wasn't really those business owners' choice not to
20 open, right? They were being told not to open?

21
22 OBJECTION TAKEN to answering the question: Would 151
23 you agree with me that citizens of Ottawa suffered
24 financial harm as a result of the protests?

25

1	OBJECTION TAKEN to answering the question: And	152
2	the blockades of the various roads in downtown	
3	Ottawa was not detrimental to their ability to	
4	open their businesses?	
5		
6	OBJECTION TAKEN to answering the question: And so	159
7	if somebody can't work, then they're not earning a	
8	salary, correct?	
9		
10	OBJECTION TAKEN to answering the question: Let me	161
11	ask you this: If you were an employer and your	
12	store was closed and you had no employees working	
13	there, would you be paying your employees that	
14	weren't working?	
15		
16	OBJECTION TAKEN to answering the question: Do you	174
17	see what I've read on the document in front of	
18	you?	
19		
20	OBJECTION TAKEN to answering the question: Now,	174
21	Mr. Jost, this document describes the Special	
22	Investigations Unit in Ontario, correct?	
23		
24		
25		

1 OBJECTION TAKEN to answering the question: Are 175
2 you aware, Mr. Jost, that there is an organization
3 in Ontario that oversees the police?

4
5 OBJECTION TAKEN to answering the question: 178
6 Mr. Jost, are you aware that there is an
7 organization in Ontario that oversees allegations
8 of police misconduct?

9
10 OBJECTION TAKEN to answering questions about the 179
11 Special Investigation Unit

12
13 OBJECTION TAKEN to answering the question: 179
14 Mr. Jost, are you aware that the Special
15 Investigations Unit received a complaint about the
16 horse trampling video that you have attached to
17 your affidavit?

18
19 OBJECTION TAKEN to answering the question: What 179
20 would you do, Mr. Jost, if you saw a serious
21 incident of police misconduct in Alberta where you
22 live?

23
24
25

1	OBJECTION TAKEN to answering the question:	180
2	Mr. Jost, could you agree with me that there are	
3	entities that oversee police in Canada and make	
4	sure that they don't engage in misconduct?	
5		
6	OBJECTION TAKEN to answering the question: Do you	183
7	see all of the words that I've just read out to	
8	you, Mr. Jost?	
9		
10	OBJECTION TAKEN to putting a document to the	186
11	witness from the SIU website regarding case number	
12	22-TOI-502	
13		
14	OBJECTION TAKEN to answering the question: So did	209
15	the lawyers help you craft your affidavit?	
16		
17	OBJECTION TAKEN to answering the question: Do any	211
18	of those law experts work for the Justice Centre	
19	for Constitutional Freedoms?	
20		
21	OBJECTION TAKEN to answering the question: Is the	212
22	Justice Centre for Constitutional Freedoms paying	
23	for this litigation on your behalf, Mr. Jost?	
24		
25		

1 | OBJECTION TAKEN to answering the question: 212

2 Mr. Jost, are you aware of an organization called
3 the Justice Centre for Constitutional Freedoms?

5 OBJECTION TAKEN to answering the question: So you 212
6 share that view with your lawyers?

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